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CHARTER AND ORDINANCES

OF THE

CITY OF BERLIN,

WISCONSIN.

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An Ordinance

To adopt section 142 A. of chapter 326, of the general laws of the etate of Wisconsin for the year 1889, as amended hy chapter 312 of the general lawe of the state of Wisconsin for the year 1893, and as further amended by chapter 199 of the general lawe of the state of Wisconsin for the year 1895, in lieu of section 51 of chapter 409 of the laws of the state of Wieconsin for the year 1887.

The Mayor and Common Council of the City of Berlin do ordain as follows:

Section 1. That section 142 A. of chapter 326, of the general laws of the state of Wisconsin for the year 1889, as amended by chapter 312 of the general laws of the state of Wisconsin for the year 1893, as further amended by chapter 199 of the laws of the state of Wisconsin for the year 1895, be, and the same is hereby adopted in lieu of section 51, chapter 409 of the laws of the state of Wisconsin for the year 1887, that is to say that chapter 409 of the laws of the state of Wisconsin for the year 1887 is hereby amended by striking therefrom the section numbered 51 therein, and inserting in lieu thereof, as provided in and by chapter 326 of the general laws of the state of Wisconsin for the year 1889, and the several acts amendatory thereof, said section 142 A. so that said section 51 shall be and shall read as follows: Section 142 A. The common council shall have power to annually levy such sum or sums of money as may be sufficient for the several purpoees for which taxes are authorized to be levied, and to apportion the same into such funds for city and ward purposes as they may provide by ordinance or resolution, provided, a tax levied for any one year for municipal purposes, together with the tax required to be levied for state, county and county school purpoees, and for delinquent taxes for the preceding year, shall not exceed the amount of three per cent. of the assessed value of real and personal property of the city in that year.

This ordinance shall take effect and be in force from and after its passage and publication.

Passed, adopted and approved this Seventh day of May, A. D., 1896.

Attest, HENRY MORMAN, City Clerk.

JOHN J. WOOD, Jr., Mayor.

Berlin Wis Dec 2d 1896.

Henry Morman, City Clerk, do certify, that the printed copy attached of an ordinance entitled "An ordinance to adopt section 142 A of chapter 326, of the general laws of the state of Wisconsin for the year 1889, as amended by chapter 312 of the general laws of the state of Wisconsin for the year 1893, and as further amended by chapter 199 of the general laws of the state of Wisconsin for the year 1895, in lieu of section 51 of Chapter 409 of the laws of the state of Wisconsin for the year 1887." is a true copy of said ordinance and that said ordinance was duly passed, adopted and approved, and published according to law, having been published in the official paper of the City of Berlin once each week for four successive weeks prior to its passage, and twice after its passage, and that the affidavits of such publication are on file in this office

Henry Morman City Clerk

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THE MUNICIPAL CODE

OF

BERLIN

COMPRISING THE

CHARTER

AND THE

GENERAL ORDINANCES

OF THE CITY

CODIFIED AND REVISED.

PUBLISHED BY AUTHORITY OF THE
COMMON COUNCIL

COURANT STEAM PRINT,
BERLIN WIS.
1890.

Gift of
Thompson & Cutler

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CONSTITUTION OF THE STATE OF WISCONSIN RELATING TO MUNICIPALITIES.

ARTICLE VII.

SECTION 15. The electors of the several towns, at their annual town meeting, and the electors of cities and villages, at their charter election, shall, in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy, occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices, thus elected, shall have such civil and criminal jurisdiction as shall be prescribed by law.

ARTICLE XI.

SECTION. 2. No municipal corporation shall take private property for public use, against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

SECTION 3. (As amended at general election, Nov. 3, 1874). It shall be the duty of the legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts by such municipal corporations. No county, city, town, village, school district, or other municipal corporation, shall be allowed

14 O.S. 137. 9 annual uniform.

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to become indebted in any manner or for any purpose, to any amount including exsiting indebtedness in the aggregate, exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation, incurring any indebtedness, as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharged the principal thereof, within twenty years from the time of contracting the same.

THE MUNICIPAL CODE

OF BERLIN,

Comprising the Charter and the General Ordinances of the City, Codified and Revised.

CHAPTER 409. LAWS OF 1887.

AN ACT to revise, consolidate, and amend the act incorporating the city of Berlin, and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

INCORPORATION.

SECTION. 1. All that district of country in the counties of Green Lake and Waushara, contained within the limits and boundaries hereinafter described shall be a city by the name of "Berlin," and the people who now inhabit, and those who shall hereafter inhabit the same, shall be a municipal corporation by the name of "The City of Berlin," and as such shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued,

pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY AND WARD BOUNDARIES.

SECTION. 2. The following described territory shall be, and the same hereby is, included within the corporate limits of the said city of Berlin, to-wit: Sections number three, four, nine, ten and the east half of sections five and eight, and that part of section number sixteen, and the east half of section number seventeen, lying north of the center of Fox river, all in township number seventeen north, of range number thirteen east, and that part of sections number thirty-three and thirty-four in township number eighteen north, of range thirteen east, lying south and east of the center of Fox river.

SECTION 3. The territory of said city shall be and the same hereby is divided into five wards, as follows:

FIRST WARD.

All that portion of section number four in said city lying east of the center of Fox river, shall constitute and be the First ward.

SECOND WARD.

All of section number three and that part of sections number thirty-three and thirty-four in said city, shall constitute and be the Second ward.

THIRD WARD.

All that portion of sections number nine and ten, in said city, lying east of the center of Fox river, shall constitute and be the Third ward.

FOURTH WARD.

All that portion of said city lying south of the center of Broadway street and west of the center of Fox river, shall constitute and be the Fourth ward.

FIFTH WARD.

All that portion of said city lying north of the center of Broadway street and west of the center of Fox river, shall constitute and be the Fifth ward.

CHAPTER II.

SECTION 4. The corporate authority and government of said corporation shall be, and is vested in the mayor and common council, subject to the reservations and exceptions hereinafter contained. The common council shall be composed of the mayor and two aldermen from each ward.

SECTION 5. The elective officers of said city shall be a mayor, a city clerk, an assessor, a city treasurer, a superintendent of schools, two justices of the peace and two constables elected by the city at

large and two aldermen and one supervisor and two school commissioners from each ward. All elective officers shall, unless elected to fill a vacancy, hold their respective offices for two years, and until their successors are elected and qualified; provided, however, the council shall have power for due cause to expel any of its own members, and to remove from office any officer or agent of the city except justices of the peace, due notice of such cause, and an opportunity to be heard before said council, being first given to the officer or agent proposed to be removed. The term of every officer elected under the provisions of this act, shall commence on the second Tuesday of April of the year for which such officer is elected; provided, that the terms of the officers elected at the first election under the provisions of this act shall commence on the fourth Tuesday in April, 1887, and the term of office of all officers elected at the first election under this act shall expire on the second Tuesday of April, 1889, except in case of one alderman, one school commissioner and one supervisor whose term of office shall expire on the second Tuesday of April, 1888. The term of office of all appointed officers shall expire on the first day of May next following the time when he enters upon the office to which he is appointed. No person who is not a resident elector of said city shall be eligible to any office therein.

SECTION 6. At the first election held in said city under the provisions of this act, there shall be elected a mayor, an assessor, a city treasurer, a superintendent of schools, a justice of the peace and one constable from the city at large. At said election there shall be elected from each ward, one alderman, one school commissioner, and one supervisor, whose term of office shall be one year, and one alderman and one school commissioner, whose term of office shall be two years; aldermen and school commissioners elected thereafter except to fill vacancies, shall hold their offices for two years; provided, however, that the aldermen and school commissioners of said city who are now in office and whose term of office does not expire until April A. D. 1888, shall represent the ward in which they shall respectfully reside as said city is divided by this act, and where there is any such alderman or school commissioner residing in any ward, only one alderman or school commissioner shall be elected at said first election, and they shall severally remain in office for two years; and provided also, that no elective officer shall be voted for at said first election, when there is now a person occupying such office, whose term of office, as now constituted, will not expire till April, 1888, but such person shall continue to exercise his said office until his successor, elected at the regular April election in the year 1888, shall have qualified. The ballots which shall be cast for alderman and school commisson-

ers at said first election shall designate the person voted for whose term of office shall be one year, and the person whose term of office shall be two years. The present marshal of said city shall continue in office until after the April election in the year 1888, and shall have all the powers of chief of police and shall perform the same duties and sustain the same liabilities, and the common council shall not appoint a chief of police hereunder until a vacancy shall occur in said office of marshal, either by resignation or expiration of term of office. All the present appointed officers of said city shall remain in office until their successors are appointed and qualified.

SECTION 7. The common council shall appoint a supervisor to represent in the county board of supervisors of Waushara county that part of said city which lies within Waushara county, and such supervisor shall possess all the powers of a supervisor of Waushara county.

SECTION 8. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such convenient places as the common council shall direct; provided, that the first election under this act shall be held on the third Tuesday in April 1887. The poll of each ward shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day, and shall be within the ward for which it is held. Ten days' notice of such election shall be given by the city clerk, by publication thereof in any newspaper published regularly in said city and if there be no such newspaper, then by posting three written or printed notices of such election in three public places in each ward of said city, but the omission to publish or post such notices, shall vitiate no such election. Special elections may be held, when ordered by a majority of the common council, specifying the objects thereof, provided ten days' notice thereof, specifying the time and places for holding the same, and the objects thereof, be given as above provided. Such notice may, in either case, be given by any five electors if there be no officer to give the same.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, who have resided in the ward or precinct where he offers to vote for ten days prior to any election hereunder, shall be deemed a qualified elector of such precinct or ward.

SECTION 10. All elections by the people shall be by ballot, and all votes for elective officers (except those whose duties appertain to school matters), at any election shall be upon one ballot, and be deposited in one ballot box, and all votes for elective officers whose duties appertain to school matters, at any election, shall be upon one other ballot, and be deposited in one other ballot box, provided especially for such ballots. All elections by the common council shall be

viva voce. A plurality of votes shall elect. If two or more persons receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it shall direct.

SECTION 11. All elections held under the provisions hereof, shall be presided over by the inspector of elections appointed under the general laws of this state, who shall decide all questions which may arise, as to the legality of any vote presented, shall count the ballots at the close of the polls, and shall certify and receive two returns, and the day following the election, shall direct and return one of said returns to the city clerk of the city of Berlin, and the other to the county clerk of Green Lake county. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after such election meet at the council rooms in said city and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. All such elections shall be, except as herein otherwise provided, conducted and the result canvassed and certified, and the ballots preserved as in case of town meetings, and except as modified by this act, every statute relating to holding town meetings, canvassing and certifying the results thereof, and relating, or applicable to the duties of inspectors and clerks, the challenging of votes, and to voting thereat, and every statute prescribing and punishing offenders for illegal voting, bribery, fraud, deceit, corruption, official delinquency, or other offense at, or concerning elections, which is applicable to town meetings, is hereby extended and applied to elections held under this act.

SECTION 12. Special elections shall be held and conducted, and returns thereof made, in all respects as herein provided for regular elections.

SECTION 13 All that part of section thirty-three and thirty-four, in township eighteen north, of range thirteen east, which lies within said city, shall be known as the second precinct of the second ward and at all elections, when there are any candidates to be voted for other than city and ward officers, there shall be provided for such precinct, separate ballot boxes, poll lists and registry lists; and the electors in such precinct shall vote only in the ballot boxes thus provided. The polls of the election in the second precinct of the second ward, shall be presided over by the inspectors of election; and the registry lists made, by the board of registration of the first precinct of said ward, which precinct shall be all of said ward not included within said precinct; such poll shall be held at the same place as the poll of

said first precinct and all the laws governing registration, or elections made or held at any other poll in said city, shall apply to the registrations made and elections held for said precinct, except that all returns for state, county, judicial, or congressional officers, shall be certified and returned to the county clerk of Waushara county, and the same, when so returned, shall be canvassed by the board of canvassers of Waushara county, in the same manner, and with like effect, as the returns from any poll of election in said Waushara county.

SECTION 14. Any person elected or appointed under this act, who shall neglect, or refuse, to qualify for the space of twenty days, after being notified of his election, or appointment, or having qualified, shall, if a city officer, remove from the city, or if a ward officer, remove from the ward for which he was elected, or appointed, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy

SECTION 15. In event of a vacancy in any office of said city, from any cause, the common council shall fill the same by appointing some person who is qualified to such office. Any person elected or appointed to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liability as the person whose office he may be elected or appointed to fill. Any person elected or appointed to fill a vacancy shall enter at once upon the duties of such office.

CHAPTER III

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 16. The mayor, when present, shall preside over the meetings of the common council, shall sign all ordinances, rules, by-laws, regulations, commissions, licenses, permits, deeds, bonds or contracts adopted, or authorized by the common council. He shall maintain peace and good order, see that the ordinances are faithfully obeyed and that all officers of the city discharge their respective duties, and in case of disturbance, riot or other apparent necessity, appoint as many special policemen as he shall deem necessary, who, for the time being, shall possess all the powers of constables. He shall from time to time, give the common council such information, and recommend such measures as he may deem proper, and shall perform all duties imposed upon him by this act, or by ordinances or resolutions of the common council. He shall vote in the common council only in case of a tie. He shall have power to veto any ordinance or resolution passed by the common council, and also to command and direct the chief of police and the policemen of the city, at all fires, riots, disturbances of the peace, and tumultuous assemblages, and may, for disobedience of his orders or misconduct of any member of the police force, verbally or in writing, suspend such member

of the police force, and stop his pay, until the common council shall take final action upon such order of suspension, which action shall be taken on or before the second regular meeting thereafter.

SECTION 17. The president of the common council, when present shall preside at all meetings of the common council. In the absence of the mayor, and in case the mayor is absent from the city, or is unable to discharge the duties of his office, or if the office of mayor shall become vacant, he shall discharge all the duties of the office of mayor. If both the mayor and president are absent from any meeting of the council, the council may elect a temporary president, and the president and temporary president while acting and performing the duties of mayor shall be styled "acting mayor."

SECTION. 18. The city clerk shall give a bond to the city of Berlin to be approved by the common council; he shall keep the corporate seal and all papers and records of the city, and shall keep a record of the proceedings of the common council at whose meetings it shall be his duty to attend; he shall keep a detailed account of the financial condition of the city, in such form as the common council shall prescribe; he shall so keep the books of said city, that every subject of taxation shall be entered under its proper head as state, county, schools, bridges, and the like; he shall make copies of the assessments of the city when required by the common council and shall make and complete all tax rolls; he shall also keep an accurate account with the city treasurer, and charge him with all taxes levied and with all sums paid into the treasury; he shall make and keep a record of all bonded indebtedness, and of all coupons of the city, to whom, when and where payable; he shall report as often as the common council shall require, an estimate of the expenses of the city and of the revenues necessary to be raised for the current year; he shall countersign all contracts made in behalf of the city, and unless so countersigned they shall have no validity; he shall countersign all orders drawn on the city treasurer by order of the common council, and shall keep a correct record of the same; he shall also countersign all ordinances, orders, resolutions, licenses and permits passed or granted by the common council, and cause to be published or posted, every ordinance, order resolution or by-law passed by the common council and adopted as provided herein; and he shall cause proper proof of such publication or posting to be made and filed in his office; he shall, ex-officio, be clerk of the board of health, clerk of the board of review, and clerk of the board of canvassers; he shall attend the meetings of such boards and keep a correct record of the proceedings thereof; he shall file in his office all chattle mortgages presented to him for that purpose, and safely keep the same therein, and shall

receive therefor the same compensation as clerks of towns; and all the laws applicable to mortgages filed in the office of town clerks are extended and made to apply to mortgages filed as aforesaid; he may make and certify under the corporate seal copies of any paper on file in his office, or transcripts from the records in his office, and the same when so made and certified, shall be evidence in all courts in like manner as if the original were produced; he shall transmit to the county clerk of Green Lake county, within ten days after election and qualification, a certified statement of the name and term of office of the mayor, clerk, aldermen and treasurer; he shall also transmit a like statement to the county clerk of Waushara county, and also the name and term of office of the person who shall be appointed a supervisor of Waushara county; he shall make and transmit to the clerk of the circuit court of Green Lake county immediately after their election and qualification, a like statement of the time and term for which elected, of every justice of the peace, constable, or chief of police of said city; he shall also perform all other duties required of him by law, or by any ordinance of said city; he shall have power to administer oaths, and take and certify the acknowledgement of deeds and instruments in writing; he shall appoint a deputy to be approved by the common council, for whose acts he shall be responsible and of whom he may require a bond. The deputy clerk shall, in the absence of the city clerk, have power to do any act which may be done by the city clerk.

SECTION 19. (As amended by chapter 178. Laws of 1889.) The treasurer shall collect and receive all moneys belonging to the city and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as required by the council, and annually at least ten days before the regular election in each year, a full and detailed account of all receipts and expenditures from the date of the last preceding annual report, and also the state of the treasury, which statement shall be filed with the city clerk. He shall be collector of taxes as provided by the general laws of the state, and all general laws of the state relating to treasurers of towns as collectors of taxes shall apply to him, and he shall receive the same compensation, except that on all taxes collected on any tax warrant, prior to the tenth day of January, after the receipt of such warrant, he shall remit four-fifths of the five per cent. collection fee, and on all taxes collected thereafter on such warrant, he shall remit three fifths of the five per cent. collection fee, and on all moneys paid into the city treasury on account of licenses and permits granted by the common council, he shall receive one per centum, to be by him retained from the same.

SECTION 20. The city attorney shall conduct all law business of said city and the departments thereof, and all actions or legal proceedings in which said city shall be a party or be interested, on behalf of said city; he shall, when requested by the common council, make and file with the city clerk his opinion in writing on any subject submitted to him by the mayor or council or by any department of said city. It shall be his duty to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be required by the common council, and to perform such other duties as may be prescribed by the ordinances of said city. The city attorney shall be paid an annual salary, the amount of which shall be fixed at the time of his appointment. No one not duly qualified as an attorney in courts of record shall be city attorney.

SECTION 21. The city surveyor shall be a practical surveyor and engineer; he shall keep his office in some convenient place in said city. The common council shall prescribe his duties and fix his fees and compensation for any services performed by him. All surveys, plans, profiles and estimates, made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of surveyor, open for the inspection of all persons who desire to inspect the same; and when required by the common council, he shall make and file with the city clerk, certified copies of all plans, profiles and estimates made by him; he shall deliver over to his successor in office, at the expiration of his term of office, all books and papers appertaining to said office.

SECTION 22. The chief engineer of the fire department, shall, in all cases, have control of the different fire companies of the city, their engines, steamers, and fire apparatus, and also the direction and control thereof when on duty, subject only to the control of the common council; he shall see that the engines, steamers and apparatus of the fire department are kept in perfect order and readiness for immediate use, and cause all necessary repairs to be made, and report the same to the common council for approval and allowance; he shall use his utmost endeavors, in preventing and subduing fires, and in controling the firemen thereat; he shall perform such other or further duties as are prescribed in the provisions of this act, and as shall be prescribed by the ordinances of said city; his compensation shall be fixed by the common council.

SECTION 23. The superintendent of schools shall be, ex officio, president of the board of education; he shall have the superintendence of all the public schools, school-houses, books and apparatus; he shall visit all schools as often as his duties shall require, and shall give special attention to the classification of the pupils in the several

schools, and to the apportionment among the classes of the prescribed studies; he shall carefully observe the teachings and discipline of all teachers employed in the public schools, and shall report to the board whenever he shall find any teacher deficient or incompetent in the discharge of his or her duties; he shall attend all meetings of the board of education when required, and shall keep the board constantly informed of the condition of the public schools and the changes required in the same; he shall be the executive officer of the board of education and shall see that the resolutions, regulations and rules of the board are faithfully executed and obeyed; he shall perform all other duties required of him by law.

SECTION 24. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by this act or by any ordinance of the city for the preservation of the peace, for the health of the people, and the collection of fines and license money; he shall possess the powers of constables at common law, or by the laws of this state, and shall receive like fees and be subject to the same liabilities; it shall be his duty to execute and return all writs and processes to him directed, or to any constable of the county of Green Lake, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may serve and execute the same in any part of this state; he shall, under the direction of the mayor, be chief executive of the police department; he shall repair to all fires, riots and tumultuous assemblages, take charge of the police present, and use every exertion to protect property, disperse mobs, and cause to be arrested all persons engaged in disturbing the peace; to apprehend any persons engaged in the act of committing any offense against any ordinance of said city, or law of said state, and within reasonable time bring such person before competent authority for examination, or trial; he shall have power to direct the policemen to any place where he shall deem their services necessary; he shall promptly report to the mayor all complaints against the policemen, and cause to be obeyed all rules and regulations prescribed for the police department; and he, or some policeman appointed by him, shall be keeper of the watch-house, and keep the keys thereof.

SECTION 25. It shall be the duty of all policemen appointed under the provisions of this act, to faithfully perform such duties as shall be prescribed by the ordinances, laws and resolutions of the common council for the preservation of the public peace and health of the city; they shall possess all the powers of constables at common law, or by the laws of this state; they shall faithfully obey all ordinances, prescribing the manner and extent of their duty, and the

time in which the same is to be performed; they shall obey all proper commands of their superior officers; they shall act as night or day watchmen for the city, if required, under such regulations as the common council shall describe.

SECTION 26. The mayor, each and every alderman, justice of the peace, chief of police, policemen and constables, shall be officers of the peace, and shall suppress it in a summary manner, all riotous and disorderly behavior, within the limits of the city, and for such purpose may command the assistance of all by standers and of all citizens. If any person shall refuse to aid in maintaining the peace, when so required, every such person shall be deemed guilty of a misdemeanor, and shall pay a fine of fifty dollars and the costs of prosecution, and in default of payment thereof, shall be committed to the county jail of Green Lake county, for not to exceed sixty days. It shall be lawful for the mayor, any alderman, chief of police, every policeman or constable of the city, to arrest without warrant any person who shall be found drunk, disorderly, riotous or doing any act which shall by this act be made a misdemeanor, or by warrant, to arrest any person whom they, or any of them, shall find committing any violation of the laws or any ordinance of the city, and to take such person before a justice of the peace of the city, as soon thereafter as an examination or trial can be had before such justice, of the offense for which such person shall be arrested.

SECTION 27. The fire-warden shall examine as to the construction of all chimneys, fire-places, hearths, stoves, stove pipes, ovens, smoke-stacks, boilers and fire apparatus used in and about any building, and shall have power to prevent the improper construction thereof, and may cause them to be removed and placed in a secure and safe condition; he shall prevent the depositing or keeping ashes or any other combustible material in any place except such as is safe; and shall perform such other and further duties as shall be prescribed by the common council.

SECTION 28. The justices of the peace elected under the provisions of this act, shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of this state, except that their official bonds shall be approved by the common council, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances and laws passed by said city, unless otherwise provided.

SECTION 29. The assessor shall assess all the taxable property in said city as required by law, without regard to wards; he shall make two assessment rolls, one for that territory of country herein known and described as the second precinct of the second ward, and the oth-

er rule to comprise all of said city except said second precinct, and shall return said rolls to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine.

SECTION 30. The common council shall, at the first regular meeting of the new council in each year, or as soon thereafter as may be, order the city clerk to advertise for proposals for all the printing and publication necessary to be done by the city for the year then next ensuing, except as otherwise provided herein, and said printing and publication shall be let to the lowest bidder, who shall be styled the city printer; provided, that the same shall be let to the printer of some newspaper published in said city. The city printer or printers immediately after the publication of any notice, ordinance or resolution, which by this act or any ordinance of said city is required to be published shall make and file with the city clerk of said city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. In letting the city printing the common council shall have the right to reject any and all bids.

SECTION 31. The street commissioner shall be ex-officio a policeman, and shall hold his office where directed by the common council, and shall receive a per diem compensation for the days he shall actually serve, to be fixed by that body. He shall give a bond to the city in such sum and with such sureties as the council shall require; he shall attend the stated monthly meetings of the common council and shall present in writing at each meeting a sworn statement showing in detail the amount and cost of all materials used and labor employed by the city during the previous month, and of whom purchased, and where used, and he shall make such purchases from time to time, as the council shall direct, but not inconsistent with this act; and at the end of his term of office, make a full report thereof, to that body. His powers and duties, except as herein provided and defined, shall be prescribed by the common council. He shall deliver over to his successor in office, at the expiration of his term of office all books, records, papers and other property pertaining to said office or belonging to the city, and all records and papers in his office or pertaining thereto shall be open to the inspection of any citizen of the city, at all reasonable hours.

CHAPTER IV.

COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 32. The mayor and aldermen shall constitute the common council. The style of all ordinances shall be "the mayor and com-

mon council of the city of Berlin do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members. Regular meetings of the council shall be held on the second Tuesday in April of each year, at the council rooms in said city, and at such other times and places as the council by resolution shall appoint. The mayor, or a majority of the common council, may call special meetings of said council by filing a written notice of the same with the city clerk, who shall thereupon seasonably notify the aldermen of the time and place thereof, as directed by the by-laws adopted by said council. All meetings shall be open to the public. The common council shall keep a record of its proceedings, determine its own rules of procedure, shall have power to preserve order at its meetings, be the judge of the election and qualification of its members, shall have power to compel the attendance of absent members and to punish for non-attendance.

SECTION 33 Every member of the common council, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever in violation of this act or any amendment hereto, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, member of the board of equalization, or member of the county board of supervisors; and every member of the common council, or other elective officer of said city, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and every member of the council, or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail not more than sixty days, nor less than ten days, or by both such fine and imprisonment, at the discretion of the court.

SECTION. 34. At the first meeting of the common council, or as soon thereafter as may be, the following officers shall be appointed by the common council, to wit: a president of the council, a city attorney, a city surveyor, a chief engineer, a chief of police and policemen, a fire-warden, and such other officers as the interest and welfare of the city may require.

SECTION 35. Every contract, conveyance, commission, license or other written instrument, shall be executed on the part of the city by the mayor and city clerk, sealed with the corporate seal, and in pursuance of authority therefore from the common council.

SECTION 36. The common council shall have the control and man-

agement of all the finances, and of all the other property of the city, and shall likewise, in addition to the powers herein vested in said council, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of trade, commerce and health thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, laws, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, they be not repugnant to the constitution or laws of the United States or the state of Wisconsin; and for such purposes shall have authority, by ordinances, resolutions, by-laws or vote:

1. To regulate the mode of and establish rules for their proceedings.

2. To adopt a corporate seal and alter the same at pleasure.

3. To manage, regulate and control the finances of said city, and to receive, purchase, regulate, preserve, sell and convey the property, real and personal, belonging to said city.

4. To limit and define the duties and powers of officers and agents of the city, fix their compensation and fill vacancies, when no other provision is made by law, to require all officers and agents of the city to take and file an oath of office, and execute a bond to the city, conditioned for the faithful discharge of their duties and the proper application and payment of all moneys that may come into their hands by virtue of such office or employment, and to fix the penalty of such bonds, and to call special elections, and to appoint inspectors and clerks of elections.

5. To adopt all legal and requisite measures for collecting licenses, taxes and assessments.

6. To license, prohibit, regulate, tax and suppress the exhibitions of common showmen or shows of any kind, or exhibitions of caravans, circuses, theatrical performances, musical entertainments, billiard tables, bowling saloons, ten-pin alleys, or nine-pin alleys; to fix the amount to be paid for such licenses and prescribe the time when the same shall expire.

7. To grant licenses for the sale of strong, spirituous, or fermented liquors, ale or beer and to revoke the same, under and upon such terms and conditions as is now, or shall hereafter be required by the general laws of the state of Wisconsin, and to regulate and control the places wherein such liquors, wine, beer or ale shall be sold.

8. To restrain or prohibit all descriptions of gaming and fraudu-

lent device and practice and all playing of games of cards, dice or other games of chance in said city, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

9. To prevent any riots, noise, disturbance, or disorderly assemblages, to suppress and restrain disorderly houses and saloons and groceries and houses of ill-fame.

10. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, and to compel the abatement of all nuisances under the common law.

11. To direct the location and management of, and regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate, or prohibit, within the city, distileries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can, or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

12. To establish and regulate public markets, determine their location and make rules and regulations for the government of the same, and to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

13. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegtables, fish, butter, fruits, eggs; and other provisions in the city; to restrain and punish the forestalling of poultry, fruit and eggs; and to cause the seizure and destruction or other disposition of tainted or other unwholesome meat, butter, vegtables, fruit or provisions.

14. To direct the location or management of houses for the storing of gunpowder or other combustibles within the city.

15. To regulate and restrain the keeping and conveying of gunpowder, and other combustible and other dangerous materials in said city.

16. To prevent the shooting and firing of any fire-arms or crackers, or of any fire-works at any time, or in any situation which may be considered by the common council dangerous to the city, or to any property therein, or annoying any citizen thereof.

17. To prevent the incumbering of streets, sidewalks, lanes, alleys, public grounds, wharves, and docks with carriages, carts, wagons,

sleighs, sleds, wheel barrows, boxes, lumber, fire-wood, timber, posts, signs, awnings, or any other substance or material or in any manner whatsoever.

18. To prevent horse-racing, or immoderate riding or driving, in the streets or upon any bridge in said city, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise while standing or remaining in any street, alley or public ground.

19. To regulate and determine the times and places of bathing or swimming in the river or other waters in and adjoining said city, and to prevent obscene or indecent exhibition, exposure or conduct.

20. To restrain and punish vagrants, mendicants, street beggars, prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any one guilty of the same.

21. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the restraining, impounding and sale of the same, for the penalty incurred, and the costs of proceedings, and also to impose penalties upon the owners of any such animals, poultry and geese for a violation of any ordinance in relation thereto.

22. To prevent the running at large of cats and dogs in said city, and to authorize the destruction of the same in a summary manner when at large contrary to any ordinance.

23. To provide for licensing the keeping of dogs in said city, at a sum or rate not less than one dollar, nor more than three dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the killing and destruction in a summary manner of all dogs not licensed, wherever they may be found in the city, and of licensed dogs at large in the streets, alleys or public grounds, in said city, and to punish persons for keeping unlicensed dogs.

24. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any corporation or otherwise, who may pursue such or said occupation with or without vehicles, and to prescribe his compensation.

25. To prevent and regulate the rolling of hoops, flying of kites, playing of ball, riding of bicycle or velocipedes, or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses.

26. To make regulations to prevent the introduction of contagious or infectious diseases into the city, or their spread therein.

27. To abate all nuisances that are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary, or may be deemed expedient for the preservation of health and the suppression of disease.

28. To regulate the burial of the dead, and the registration of births and deaths, to provide hospitals and cemetery grounds, and to care for, maintain and make rules and regulations in relation to the same; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises, or for a violation of any rule or regulation adopted by the council aforesaid.

29. To abate and remove all nuisances under the ordinances, or at the common law, and punish the authors thereof, by penalties, fines or imprisonment, and to define and declare what shall be deemed nuisances, and shall authorize the summary abatement thereof, but nothing in this act shall be construed to oust any court of its jurisdiction, to abate or remove nuisances in the streets, or any part of said city by individuals or otherwise.

30. To prevent any person from bringing, having or depositing within the limits of said city, any putrid carcass, or any other unwholesome substances, and to require the removal or destruction of the same, by any person who shall have upon or near his premises any putrid or unsound beef, pork, fish, hides, or skins of any kind and on his default to remove or cause the destruction thereof by some officer or officers of the city at the expense of such person or persons.

31. To erect and establish one or more pest houses, hospitals and dispensaries, and control and regulate the same.

32. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises tending to the collection of persons by autioneers or others for the purpose of business, amusement or otherwise.

33. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk or alley opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances that the board of health shall direct, and on their default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owners or occupants.

34. To control, regulate, repair, and clean the streets, alleys, bridges, public grounds and side and crosswalks, and open, widen,

straighten and vacate streets and alleys and establish and alter the grade thereof, and prevent the incumbering of the streets and alleys in any manner and protect the same from any encroachment or injury, and remove and abate any obstructions and encroachments therein, and to regulate the manner of using streets and pavements in said city, and protect the same from injury from vehicles used thereon.

35. To prevent all persons from riding or driving any cattle, horse, mule, or any other animals on the sidewalks in said city, and protect the same from injury or damage.

36. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection and maintenance of water works for the supply of water to the inhabitants, and to prevent the unnecessary waste of water.

37. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets and public grounds and public buildings with gas or otherwise.

38. To regulate the sale of bread within said city, and to prescribe the size and weight of bread in the loaf and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations and prescriptions.

39. To require every merchant, retailer, trader and dealer in merchandise, or property of any description that is sold by weight or measure to cause his weights or measures to be sealed by the city sealer, and to be subject to his inspection, and provide for the punishment of persons using false weights and measures; the standard of such weights and measures shall be conformable to those established by law in this state.

40. To regulate the weight and sale of hay and places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of ice that is impure, also to regulate the measuring and sale of wood, and the weighing and selling of coal and lime, and the places and manner thereof; to appoint suitable persons to superintend and conduct the same, fix their compensation and define their duties.

41. To regulate the times and places of holding public auctions and vendues.

42. To provide for the inspection and regulation of stationary steam engines and boilers; to appoint inspectors of the same, and a sealer of weights and measures, and define their duties and fix their compensation.

43. To establish and regulate public grounds, parks and boulevards, and to purchase grounds for the same.

44. To appoint watchmen, policemen, and a fire warden, and regulate the same and prescribe their duties.

45. To compel the owners or occupants of houses, stores or other buildings within said city, to number the same in a manner the common council may from time to time prescribe.

46. To declare noxious plants and weeds growing on lots, or parts of lots, or on lands in said city, a public nuisance, and proceed to abate the same as the said city is authorized by law to abate other nuisances.

47. To impose fines for all violations within said city of the general laws of the state when, in the judgment of the common council, it is necessary for the peace and good order, or for the health of said city.

48. To direct and regulate the planting of ornamental trees and the erection of monuments in the streets, alleys, and public grounds of said city.

49. To prevent any use of the waters of Fox river within the limits of the city, or any act in relation thereto, inconsistent or detrimental to the public health, or calculated to render the water of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent the casting or depositing therein of any earth, dead animals, ashes or other substance or filth, or floating matter; and punish any person or persons who shall cast or deposit the same therein; to prevent or remove all obstructions therein, and punish the authors thereof

50. To regulate and control the construction of piers and wharves on Fox river within the limits of said city, and to prescribe and control the prices to be charged for pierage and wharfage thereon, and to regulate, prescribe and control the prices to be charged for dockage and storage within said city.

51. To authorize the taking up and to provide for the safe-keeping and education, for such periods of time as may be deemed expedient, of all children that are destitute of parental care and growing up in mendicancy, ignorance, idleness and vice.

52. To authorize the arrest, fine and imprisonment as vagrants, of all persons, who not having visible means to sustain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill fame, houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found to be trespassing in the night time on the private premises of another, or begging or placing themselves in the street or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors of any gaming tables, gambling houses, houses of fortune telling, places of cock fighting, or other places of devise

and all persons who go about for the purpose of gaming, or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretences, or who shall disturb any place where public or private schools are held either on week day or on Sabbath day or places where religious worship is held.

53. To regulate or prohibit the carrying or wearing by any person under his clothes, or concealed about his person, of any pistol, sling shot, knuckles of lead, brass or other metal, or bowie knife, dirk-knife, dagger or other dangerous or deadly weapon; and to provide for the confiscation and sale of such weapon.

54. To control and regulate the construction of buildings, chimneys and stacks; and to prevent or prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney in said city, and prescribe penalties for the violation of such rules and regulations as they may adopt in relation to the same, and to declare them to be a nuisance and to provide for their summary abatement where by reason of fire or any other cause, the same may become dangerous to life or health.

55. To grant by ordinance all rights of way through any street to any person, persons or corporation proposing to build thereon street railroads, cars thereon to be propelled by horse-power, and to grant them rights and privileges under such limitations as they may direct.

56. To direct the digging down or filling up of lots whenever the same may be deemed necessary to prevent injury to the streets, side or cross-walks at the expense of the owners thereof, and to prevent, prohibit and cause the removal of all obstructions and incumbrances in and upon all wharves, streets, lanes, alleys, sewers, gutters, ditches, streams and public grounds of said city.

57. To erect and establish a watch-house for the confinement of all persons who may or shall be arrested for violating any ordinance of said city, and to purchase or lease all necessary grounds therefor and pass all such ordinances for the regulation thereof as may be necessary.

58. To regulate, control and prohibit the location, laying, use and management of telegraph, telephone and electric light power wires and poles.

59. To establish and regulate boards of health.

60. To prescribe penalties for the violation of any ordinance or by-law, to be not less than one dollar nor more than one hundred dollars in any case besides the cost of suit in all cases, and in default of payment to provide for committing the person convicted to the watch-house or place of confinement in said city, or to the county jail of Green Lake county, until payment of such fine and costs be made,

but not to exceed ninety days in all, or to provide that in default of payment of such fine and costs that such person or persons shall work out the same upon the public streets of said city or otherwise as the common council shall direct.

SECTION 36. Every ordinance or resolution of the common council, excepting those prescribing rules for their government (and the appointment of officers), shall before it takes effect be presented to the mayor. If he approves of it he shall sign it, in which case it shall take effect immediately thereafter, unless otherwise provided for, in the resolution or ordinance. If he does not approve it, he shall return it with his objections to the city clerk within five days after he shall have received it. The common council may then proceed to reconsider the same, and if two-thirds of all the aldermen shall agree to pass the same it shall take effect as a law. In every such case the votes shall be taken by ayes and nayes, to be entered upon the records. If such ordinance or resolution shall not be returned within five days after receiving the same it shall take effect in like manner as if he shall have signed it. Before any such ordinance or resolution shall be in force, it shall be published in the official paper of said city, and together with the affidavit of publication shall be recorded by the city clerk in books provided for that purpose.

SECTION 37. The powers conferred on said council providing for the abatement and removal of nuisances shall not bar or hinder suits or prosecutions in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder is deposited, stored, or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns or houses and places where spirituous vinous or fermented liquors are sold where a license is not required or granted therefor, within the limits of said city, shall be deemed and declared a public nuisance.

SECTION 38. The common council shall examine, audit and adjust the accounts of the city officers or agents at such times as they shall deem proper, and also at the end of each year, and before the time for which the officers who are elected or appointed shall have expired, and the common council shall require each and every such officer or agent to exhibit his books, accounts and moneys, and vouchers, for such examination and settlement. And if any such officer or agent shall refuse to comply with the order of said council in discharge of said duties, or shall neglect or refuse to render his accounts or exhibit his books, funds, moneys or vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer or agent of the city, who may be

found delinquent or faulty in his accounts or in the discharge of his official duties, and the common council shall cause to be made a full statement of all such settlements and adjustments.

SECTION 39. All accounts or demands against the city, except salaries or amounts previously fixed by law, or by resolution of the common council, before the same shall be allowed, shall be verified by affidavit, and any person who shall falsely swear to any such account or such demand shall be deemed guilty of perjury.

SECTION 40. No money shall be appropriated or drawn out of the city treasury except in payment of accounts or demands allowed by the common council, and except as otherwise provided herein, and no interest shall be paid on any city order or certificate whatever; provided however, that when the city being duly authorized thereto, shall borrow money, certificates of appropriation or bonds therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding seven per centum per annum, and when so drawn and signed by the mayor and clerk, interest shall be paid thereon as therein expressed.

SECTION 41 No action shall be maintained by any person against said city upon any claim or demand, whether the same shall arise out of tort or contract, until such person shall first have presented his claim or demand to the common council for allowance, except city orders duly issued by the common council after payment thereof has been duly demanded.

SECTION 42 The determination of the common council, disallowing in whole or in part any claim of any person, whether such claim arises from tort or contract, shall be final and conclusive, and a perpetual bar to any action in any court founded upon such claim, except that such person may appeal to the circuit court of Green Lake county as hereinafter provided.

SECTION 43. In case any person shall present his claim or demand to the common council, and the said claim shall be disallowed in whole or in part by such council, such claim shall not thereafter be entered or considered by the common council, but the claimant may prosecute his said claim by appeal to the circuit court and not otherwise.

SECTION 44. (As amended by chapter 178, Laws of 1889.) When any claim against the city shall be disallowed in whole, or in part, such person may appeal from the decision of the common council disallowing said claim, to the circuit court of Green Lake county, by causing written notice of such appeal to be served on the city clerk within twenty days after the making of the decision disallowing such

claim, and by executing a bond of the city in the sum of one hundred and fifty dollars, with two sureties, to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs which shall be adjudged against the appellant. The clerk in case such appeal is taken shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all the papers in the case to the clerk of the said circuit court, and thereupon the said circuit court shall have full jurisdiction in said matter as though the same had been originally brought therein. Provided, however, that if the appellant shall not succeed on such appeal, or shall not recover a larger sum on such appeal than was allowed by the common council upon such claim exclusive of interest on such allowance, then the appellant shall pay the costs of such appeal, which shall be deducted from the amount (if any) of the recovery, and when the costs exceed the recovery judgment shall be rendered against the appellant for the excess. If the appellant fails in such appeal he shall pay the costs of the city.

SECTION 45. Upon such appeal being taken, the clerk shall forthwith give notice thereof to the mayor and city attorney, and shall also report the same to the common council at its first meeting thereafter.

SECTION 46. The common council is authorized to compel the attendance of witnesses to testify upon any matter pending or under consideration by the council; and any witness who shall testify falsely before such council shall be deemed guilty of perjury, and shall be punished in the manner provided by law for that offense. The subpœna to compel attendance of witnesses shall be signed by the mayor, and may be served by any person authorized to serve process from justice courts. Witnesses shall be entitled to receive the same fees allowed to witnesses in justices courts, but they shall not receive their pay in advance. Any person refusing to obey any such subpœna or refusing to testify before the common council, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one dollar, nor more than fifty dollars, besides the costs of prosecution, and in default of payment of such fine and costs, shall be committed to the common jail of Green Lake county for not to exceed sixty days.

SECTION 47. When any claim, duly verified, shall have been presented to the city clerk, and the common council shall neglect or refuse to allow or disallow the same for sixty days thereafter, it shall be deemed and taken to be disallowed, and the owner or holder thereof shall have the same right to appeal as in case of a disallowed claim.

SECTION 48. No member of the common council, or of the board of education, nor the mayor, city clerk or city attorney, if by profession an attorney-at-law of this state, nor any member of a law firm of which he is a member, shall be permitted to appear against the city in any action or appeal in which the city is a party.

SECTION 49. The common council shall as soon hereafter as practicable, cause to be made and filed in the office of the city surveyor, certified copies of all the plats now, or hereafter, recorded in the office of the register of deeds of Green Lake or Waushara counties, which in any way relate to any lands in said city, and the same, when so filed, shall be kept open to the inspectors of all citizens of said city during reasonable hours.

CHAPTER V.

FINANCES.

SECTION 50. All moneys, credit and demands belonging to the city, shall be deposited with and kept by the city treasurer, and shall, except the school fund, be under the control of the common council, and shall be drawn out only upon the order of the mayor and city clerk, thereunto duly authorized by the common council; provided, that the school fund shall be drawn out only as hereinafter provided, in relation to the school fund. All orders drawn upon the treasury may be payable generally out of any funds in the treasury belonging to the city, except the school fund; and all orders drawn upon the treasury of the city, shall be made payable to the person in whose favor they may be drawn, or bearer; all such orders shall be received in payment of any city taxes levied and assessed, except for school purposes.

An Ordinance to adopt section 142 A. of chapter 326, of the general laws of the state of Wisconsin for the year 1889, as amended by chapter 312 of the general laws of the state of Wiscon- for the year 1893, and as furth chapter 199 of the ... Wisco...

SECTION 51. The common council of said city may levy annual- upon the taxable property of said city to defray the current ex- s of said city, a tax on all property, real, personal or mixed, said city, subject to taxation by the laws of this state, such never not to exceed for all city purposes, except for schools, lls on eace dollar of taxable property of the city, as shown by sessment roll of that year for which the tax is levied.

ECTION 52. The common council shall cause to be levied an- y upon the taxable property of said city, such sum or sums of ey as the board of education shall determine and certify as nec- ry to be raised for defraying the current expenses of the public ools of the city; provided, that the sum or sums so levied in any ar shall not exceed the sum, which the board of education is by his act authorized to call for to be used in the public schools of said city.

SECTION 53. The common council shall cause to be levied an-

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the year 1895, in lieu of section 51 of
chapter 409 of the laws of the state of
Wisconsin for the year 1887.

The Mayor and Common Council of the City of Berlin do ordain as follows:

Section 1. That section 142 A. of chapter 326, of the general laws of the state of Wisconsin for the year 1889, as amended by chapter 312 of the general laws of the state of Wisconsin for the year 1893, as further amended by chapter 199 of the laws of the state of Wisconsin for the year 1895, be, and the same is hereby, adopted in lieu of section 51, chapter 409 of the laws of the state of Wisconsin for the year 1887, that is to say; that chapter 409 of the laws of the state of Wis-

consin for the year 1887 is hereby amended by striking therefrom the section numbered 51 therein, and inserting in lieu there... as provided in
and by chap... 326 of the general laws
of the state ... isconsin for the year
1889, and ... several acts amend-
atory th... d section 142 A. so
that said ... 51 shall be and shall
read as follo... Section 142 A. The
common council shall have power to annually levy such sum or sums of money as may be sufficient for the several purposes for which taxes are authorized to be levied, and to apportion the same into such funds for city and ward proposes as they may provide by ordinance or resolution; provided, a tax levied for any one year for municipal purposes, together with the tax required to be levied for state, county and county school purposes, and for delinquent taxes for the preceding year, shall not exceed the amount of three per cent. of the assessed value of real and personal property of the city in that year.

This ordinance shall take effect and be in force from and after its passage and publication.

Passed, adopted and approved this seventh day of May, A. D., 1896.

Attest, HENRY MORMAN, City Clerk.

JOHN J. WOOD, Jr., Mayor.

MME. VERONA.

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anually upon the taxable property of said city, such sum or sums of money as the board of education shall determine and certify to be necessary for the purchase of school-houses, sites, or for the building or repairing of school-houses, and that the amount so levied in any one year shall not exceed the sum which the board of education shall certify as necessary for such purposes as provided by this act.

SECTION 54. All moneys levied and raised for the purpose of defraying the current expenses of the public schools, or for the purchase of sites for school-houses, or for building or repairing school-houses, shall after they are collected, constitute one fund, subject to the control of the board of education, for school purposes, in said city. All moneys raised in said city, for school purposes, shall be paid to the city treasurer, who shall be accountable therefor in the same manner as for other moneys of said city.

SECTION 55. All moneys coming into the hands of the city treasurer, by any provision of law, by gift or otherwise, for the use and benefit of the public schools of said city, shall be placed by him, to the credit of the board of education of said city; and such moneys shall not be paid out by him, except upon an order drawn upon him, by direction of the board of education, and signed by the superintendent of schools and countersigned by the clerk of the board of education; and all such orders shall be made payable to the person or persons entitled to receive the same.

SECTION 56. No property in said city shall be exempt from taxation, except such as is exempt from taxation under the general law of this state; provided, however, that real estate exempt from taxation by the laws of this state shall be subject to special taxes for sidewalks, sewers, and street improvements on the same.

SECTION 57. All taxes, special or general, levied under this act, shall be alien upon and against the property upon which the same is levied, and shall be collected in the same extent and in like manner as provided in the law of this state, in relation to the levy and collection of taxes in towns.

SECTION 58 The assessor shall complete and return his assessment rolls to the board of review of said city, on or before the first Monday in August in each year. During the last week of the month of July in each year, the assessor shall attend at the chamber of the common council, and there hear the complaints of persons who may feel themselves aggrieved by such assessment, and he shall make alterations and amendments thereto, such as justice and equity may require.

SECTION 59. The mayor, city clerk and assessor shall constitute a board of review and equalization, and shall meet at the chambers of

the common council on the first Monday of August in each year and shall proceed in all respects as town boards are required by law to proceed in reviewing and equalizing assessment rolls, and lands omitted from the assessment of previous years, shall be re-assessed as provided in the general laws of the state in respect thereto.

SECTION 60. After the correction and revisions of the assessment rolls of the city, the same shall be filed with the city clerk, who shall record all changes made therein by the board of review.

SECTION 61. The common council shall, on or before the third Tuesday in November, of each year, by resolution, levy such sum or sums of money not exceeding the authorized percentage, as may be sufficient for the several purposes for which taxes are herein author ized to be levied, particularly specifying the purposes for which the same are levied.

SECTION 62. That part of the city of Berlin lying within Waushara county, and herein described as the second precinct of the second ward, shall be considered for the purposes of county and state taxes, as a town in Waushara county, and the county board of supervisors of said Waushara county shall apportion the county and state tax as to such district and the county clerk of said county shall certify the same to the city clerk of said city in the same manner and with like effect as provided in the general laws of this state in relation to the apportionment of taxes, and the certifying such apportionment to any town in said Waushara county; provided, however, that no tax shall be apportioned or assessed against said territory on account of salary or stationery of the superintendent of schools of said Waushara county.

SECTION 63. The city clerk, on receiving the corrected assesment rolls, and a certificate of the amount of state, county and school tax apportioned to said city, shall calculate and carry out the total amount of such taxes upon a uniform percentage against the property returned in said assessment rolls, the taxes apportioned to said city by the board of supervisors of Waushara county upon the assessment roll returned from the second precinct of the Second ward, and the taxes apportioned against said city by the board or supervisors of Green Lake county, upon the assesment roll returned for all of said city lying within Green Lake county, and shall also calculate and carry out upon both said rolls the total amount of all city and other local taxes, setting down opposite to the several sums set down as the valuation of the real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as one cent. The said clerk shall also calculate and carry

out on both said rolls, in the same manner, the total amount of all sums due from the city on account of moneys heretofore or hereafter borrowed by said city by authority of law; and also all judgments recovered against said city as provided in the general laws of the state. Said clerk shall also enter upon both said rolls, in an additional column opposite each valuation, five per centum upon all the taxes charged therein as a collection fee.

SECTION 64. Upon completion of said rolls, the clerk shall make a duplicate copy of each thereof, and deliver such duplicate copies to the city treasurer, on or before the first day of December in each year. To each of the rolls so delivered shall be annexed a warrant, under the hand of the city clerk, and the corporate seal of said city, which warrant shall be substantially in the form prescribed by the general laws of this state, to be delivered to town treasurers.

SECTION 65. The said assessment rolls and warrants thereto attached shall be prima facie evidence in all courts that the lands and persons therein named, were subject to taxation, and that the assessment was just and equal.

SECTION 66. After the assessment rolls are completed, and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property except in the following specified cases:

1. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or, books, or in the extension of the tax.

2. When the tax is manifestly illegal and void by reason of the exemptions of the property from taxation by law.

SECTION 67. The city treasurer, upon the receipt of such duplicate copies of the tax lists, shall proceed to collect the same in like manner, and shall have the same powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided by this act.

SECTION 68. All the general laws of this state which now are, or hereafter shall be in force relative to the assessment and collection of taxes, shall be in force in said city, except as herein otherwise specially provided.

SECTION 69. The city treasurer of said city shall make and return two delinquent lists, the one for the second precinct of the Second ward to the county treasurer of Waushara county, and one for all of said city not comprised in said precinct, to the county treasurer of Green Lake county; such lists shall be made and returned at the same time and in the same manner, and the penalty of five per cen-

tum shall be included therein as provided by the general laws of this state in regard to delinquent tax lists of treasurers in towns; and he shall also settle with and pay over all moneys porperly payable to county treasurers of said counties as provided in relation to town treasurers by said general law.

SECTION 70. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or in making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall vitiate, invalidate, or in anywise affect the validity of the assessment or of the tax.

SECTION 71. No tax shall be apportioned, assessed or levied against any property in said city on account of the salaries of the superintendents of schools of Green Lake and Waushara counties, or either of them.

CHAPTER VI.

LAYING OUT OR ALTERING STREETS, ALLEYS, ETC.

SECTION 72. Whenever the common council shall intend to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other place or to construct and open, alter enlarge or extend drains, canals or sewers or alter, widen or straighten watercourses therein, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the clerk, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city, for such use or in fee; but otherwise they shall, by resolution, declare their purpose to take the same, and therein describe by metes and bounds the location of the proposed improvements and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mention the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where they will apply to the county judge or a court commissioner of Green Lake county, or a justice of the peace of Green Lake county, for a jury to condemn and appraise the same.

SECTION 73. They shall thereupon cause to be made by the clerk a notice of adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the judge, commissioner or justice named, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the chief of police, or any constable, on the owner of each such parcel of land to be taken, if known and a resident within the county; such service to be made in the manner prescribed for serving a summons

in an action in the circuit court, and the return of the officers shall be conclusive evidence of the facts therein stated. If the notice cannot be so given as to all the parcels, then the same shall also be published once in each week for three successive weeks, in a newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor, or of unsound mind, the judge, commissioner or justice, before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of such magistrate, and act for said ward.

SECTION 74. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice, as provided in the last section, shall be filed with the judge, commissioner or justice, who shall thereupon make a list of twenty-four competent jurors, not interested, but residents of the city shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the city, by its attorney on the one side, and the owners of lands or their agents present, or if none be present, or they disagree, a disinterested person, appointed by the judge, commissioner or justice, on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining such judge, or justice, shall issue a precept, requiring them, at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him, to be sworn and serve as a jury, to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the chief of police or any constable, at least one day before the appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family.

SECTION 75. The jurors summoned shall appear at the time and place named; and if any be excused by the judge, commissioner or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the dam-

ages occasioned thereby, and faithfully discharge their duties as jurors according to law.

SECTION 75a. Under the direction of such magistrate, the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for such purpose, such magistrate shall possess the same powers as a court in session with a jury and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate unanimous verdict in writing, signed by them in which they shall find whether it will be necessary to take such lands, or any part thereof, for such purpose, describing such as they find necessary to be taken; and if any be found necessary to be taken, then an appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damages otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement, and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected by the magistrate with the assent of the jury and they shall be thereupon discharged and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected summoned, sworn, and proceed in the same manner.

SECTION 76. Within ten days after such verdict, any land owner whose land has been taken, may appeal from the award of damages to him, in such verdict to the circuit court, and the city may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part what part, and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof, except when the city appeals no such undertaking shall be filed. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken, the magistrate shall transmit to the clerk of the circuit court of Green Lake county, within ten days the notice of appeal and undertaking, and thereto annexed a copy of all the papers and proceedings before him with his certificate thereof. He shall, after the time for appealing expires, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings.

SECTION 77. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff and said city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise, against the respondent. Upon the entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk of said city.

SECTION 78. If the verdict of the jury first called find it necessary to take such land or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto for laying out, changing, widening or extending and opening any such street, lane, alley, public grounds, square or other public place, or constructing and opening, altering, widening or straightening, or extending any such drains, canals, sewers or water-courses, but shall not enter upon any such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him to be deposited with the clerk to permanently remain subject to his order, at any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceeding theretofore taken and the city shall in such event be liable for costs only. All the costs of every such proceeding shall be paid by the city, except where the city recovers costs in the circuit court.

SECTION 79. For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvements mentioned in the last preceding section, the common council may, by resolution, levy and assess the whole or any part not less than half of such expenses, as a tax upon such property as they shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and clerk, shall be published once in each week for two weeks, in a newspaper published in said city, and a notice therewith that at a certain time therein stated, the common council will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof. At the time so fixed the common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, not

more than three days, and may by resolution modify such assessment in whole or in part, at any time before the first day in November thereafter, any party liable may pay any such tax to the city treasurer. If the same shall not be so paid, then the city clerk shall insert the same with five per centum thereon additional, into the tax roll, in addition to and as part of all other taxes therein levied on such land, to be collected therewith.

SECTION 80. Upon the petition in writing of all owners of lots or land on any street or alley in said city, and not otherwise, the common council may discontinue such street, alley, or any part thereof. At least one week before acting upon such petition, the council shall cause a notice to be published in the official paper of said city, stating when the petition will be acted on, and what street or alley or part thereof is proposed to be vacated.

SECTION 81. All public highways, streets or alleys, now in use in said city heretofore laid out and established pursuant to law, and all roads, streets or alleys in said city not recorded, which shall have been or shall be used as public roads, streets or alleys ten years or more, shall be deemed and held to be public roads, streets or alleys.

CHAPTER VIII.

CITY IMPROVEMENTS.

SECTION 82. The common council shall adopt general regulations relative to the cleansing and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks, crosswalks and public grounds, and requiring the owners and occupants of lots or parcels of land bordering or abutting on any street, lane, avenue, alley, or highway to keep in repair or rebuild the sidewalks adjoining their premises; and in case the owner or occupant of any such lot or parcel of land after due notice, shall neglect or refuse to repair or rebuild any such sidewalk, the street commissioner shall, in pursuance of such regulations, or of the order of the common council, cause the same to be done at the expense of the said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against each lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes authorized by this act, shall be levied thereon by the common council at the next succeeding annual levy of taxes in said city, as a special tax with all the legal consequences both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes, prescribed in this act or the general laws of this state for special tax-

es. The cleansing, graveling and repairing of streets, avenues, lanes, alleys, highways and public grounds shall be done under the superintendence of the street commissioner at the expense of the city; and the common council may provide for letting all such work by the month or year, by contract. Whenever the street committee of the common council signify in writing to the city clerk that certain repairs, as provided in this section, are needed, the city clerk shall forthwith notify in writing the street commissioner to cause the same to be done; and if the street commissioner shall fail or neglect to cause the same to be done within six days from the time of receiving such notification, said street committee may, in writing to be filed in the clerk's office, designate a suitable person to act in his stead, which person shall proceed in all respects the same as the street commissioner, and shall immediately thereafter make full return of his doings, under oath, to the city clerk, and the acts and doings of such person so appointed shall have the same force, effect and validity as the acts of the street commissioner.

SECTION 83. When directed by the board of health, the street commissioner shall give notice to all owners or occupants of lots or lands which may be deemed injurious to health by reason of stagnant water remaining thereon, to abate such nuisance by draining or filling such lots or lands within a reasonable time to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, and the expense thereof shall be charged to and collected from said lots or lands, as provided in the last preceding section.

SECTION 84. The costs and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of constructing and repairing public wells, and reservoirs, shall be chargeable to and payable out of the general fund. Opening, grading, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable as follows, viz: One-half out of the general city fund and one half by the lots fronting on such street or alley. Sewers may be ordered by the common council and built at the expense of the lots or parcels of land benefited thereby, which shall be apportioned among said lots or parcels of land by the city surveyor; provided, however, that where sewers are constructed through alleys, no lots shall be assessed therefor except those situated in the block or blocks through which said sewers may be constructed; and where sewers are constructed through streets, no lot shall be assessed therefor except those situated in the blocks fronting on such streets; and provided further, that in all cases where improvements or work of any kind are charged, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall

be made and paid for out of the general fund, in proportion to the width of the street, alley or public ground.

SECTION 85. The street commissioner shall not have power to make, grade, gravel, or pave any street, avenue, alley or public grounds, or to construct any well, gutter or sidewalk, nor shall the city surveyor have power to construct or accept any reservoir or sewer, unless the same shall have been first duly authorized by an order of the common council, to be entered in their proceedings; provided, that nothing herein shall be so construed as to prohibit the street commissioner from making or causing to be made, all necessary repairs to any sidewalk, street, avenue, alley, public grounds, wells, reservoirs, sewers and gutters; and provided, further, that he shall be at liberty to construct public wells, whenever the common council shall order the same; but there shall not be more than one well to any four blocks upon any one street or avenue. Hereafter, no special improvement shall be ordered by the common council exceeding in estimated costs the sum of two hundred dollars, unless more than one half the owners of the lands or lots to be taxed for such improvement, shall petition in writing, for the same, or unless the same shall be ordered by a vote of two-thirds of all the aldermen elect. If the common council order any special improvements to be made, or pass any ordinance requiring any special improvement to be made, or pass any ordinance requiring any special improvement to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of the proceedings of said common council; and no special improvement shall be valid or binding unless said vote be so taken and recorded.

SECTION 86. Whenever the common council shall authorize the making of any public improvement as provided by this chapter, the city clerk shall forthwith notify the city surveyor to make and file in his office all necessary plans and specifications therefor, and an estimate of the whole expense thereof and the proportion, if any, to be assessed and charged to each lot or parcel of land; and in the case of grading streets, avenues, lanes, alleys, highways or building sidewalks, of the number of cubic yards to be excavated or filled in front of each lot or tract of land, and such estimate and plans shall be the property of the city, and shall be open to the inspection of all parties interested. The city clerk shall give notice by advertisement in the official paper of the city, to the owners or occupants of the lots or parcels of land bordering on any street, avenue, alley or highway, ordered to be graded, planked or paved, requiring them to do the work mentioned in such notice within reasonable time, therein to be specified, according to the plans and specifications on file in his office,

and if the said work shall not be done within such time, the city clerk shall at once proceed to advertise for proposals, and enter into contracts for the doing thereof. Whenever any contract shall have thus been made and concluded, the city clerk shall without delay, notify the street commissioner thereof, accompanying such notice with a copy of the terms and conditions of such contract. All contracts for work done by and pursuant to the provisions of this chapter, and for the construction of sewers and reservoirs, shall be subject to the acceptance of the city surveyor; provided, that any contractor may appeal from the decision of that officer to the common council. The common council may in its discretion, employ any competent man to superintend the construction of such public works as they think proper. In all cases where any improvement shall be ordered pursuant to the provisions of this act, one-half the expense of which shall be chargeable to the lots bordering thereon, the owner or agent shall be entitled to do the work according to the plans and specifications on file, and on completion thereof, to the acceptance of the proper officer, shall be entitled to receive from such officer a certificate showing that the city is indebted to him for an amount equal to one half of the estimated expense (previously made and filed by the city surveyor) upon the presentation of which certificate duly verified by the owner or holder thereof to the common council, the same shall be allowed to him out of the general fund of the city; provided, that any owner or agent shall within ten days after said work is ordered by the common council, signify to the city clerk in writing that he will perform the same according to the plans and specifications and estimate made by the city surveyor, within the time designated by the street committee or the city clerk.

Section 87 Whenever the general interests of the city requires deep cutting or extraordinary filling of any street, or for the construction of any sidewalk, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall, within ten days after the service or first publication of the notice requiring the improvement to be made, represent to the street commissioner in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioner shall report the same to the street committee, who, or a majority of them, shall examine the premises, and if, in their opinion, the cost of such work shall exceed the benefit derived therefrom, it shall be their duty to determine in writing, subscribed by them and preserved with the records of said city, which portion of the work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the general

fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the general fund; provided, however, that the common council shall, by a majority vote, duly ratify the same; and provided, further, that any party feeling himself aggrieved by the determination of the common council, may, within ten days from the date thereof, appeal to the circuit court as hereinbefore provided.

SECTION 88. After the completion and performance of any contract entered into by the street commissioner, for work chargeable to lots or lands, by virtue of this chapter, he shall give to the contractor or contractors a certificate under his hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon, and thereupon, the claim of said contractor shall be audited, allowed and paid from the general fund upon the presentation of the same.

CHAPTER VIII.

FIRE DEPARTMENT.

SECTION 89. The common council, for the purpose of guarding against calamities of fire, shall have power, and it shall be their duty to prescribe the limits within which wooden building or buildings of other materials that shall not be considered fire proof shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SECTION 90. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, furnaces, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs of ladders leading to the same; and also to provide well or cisterns on their premises; to

authorize the mayor, alderman, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SECTION 91. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings prohibited, and their apparatus to be delivered up. Each company shall not exceed forty able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from service as a juror and from military duty, during the continuance of such membership, and any person having served for the term of seven years in either of said companies, shall be forever thereafter exempt from military duty, except in case of insurrection or invasion.

SECTION 92. There shall be a meeting of the members of said companies on the second Monday of April in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council one chief engineer, and three assistant engineers; and the common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council may prescribe.

SECTION 93. It shall be lawful for said wardens at any time, in the discharge of their duties, to enter any building or enclosure, for the purpose of inspecting the same.

SECTION 94. The net proceeds of all fines and penalties recovered for any breach of any ordinance or regulation made in pursuance of this chapter, shall be paid to the fire department.

SECTION 95. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor, or alderman at any fire, it shall be lawful for the officer to arrest, or direct orally the chief of police, constable, watchman, or any citizen to arrest such person, and confine him temporarily in some safe place until such fire shall be extinguished; and in the same manner such officers, or any of

them, may arrest or direct to arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

SECTION 96. The common council shall have power to organize sack companies, to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as a special police in and for said city of Berlin, and are hereby vested with all the powers and authority which now is, are, or hereafter may be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all the property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Said companies, may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive any pay or compenastion for services rendered in their official capacity. They shall, in case of a riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take on oath or affirmation that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all the members of each of said companies.

SECTION 97. The chief engineer of the fire department shall, semi-annually, on the first Saturday in April and October in each year, make report in detail, and under oath, to the common council, of all property belonging to the city, in possession of the fire department, and of its condition and value. The chief engineer shall, from time to time, make such recommendations in writing to the common council, designed to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of the loss, and the amount of insurance, and shall incorporate the same in detail in his semi-annual report.

CHAPTER IX.

SUPPORT OF THE POOR.

SECTION 98. All laws of this state for the relief and support of the poor in towns, shall apply to said city, but the common council may, by ordinance, prescribe the mode of supporting city paupers. And the common council shall appoint one or more suitable persons to act as commissioners of the poor of the city, who shall perform all the duties of overseers of poor in towns, and such other and further duties as the common council shall prescribe.

CHAPTER X.

PROSECUTIONS AND FINES.

SECTION 99. Justices of the peace elected under this act, in addition to the powers, duties and jurisdiction vested in and required of them by the laws of this state, shall have power to examine, hear, try and determine all charges for offenses against any provision of this act, or any act amendatory thereof, and all charges for the violation of any ordinance, by-law, police or health regulation made in pursuance of and by the authority herein conferred.

SECTION 100. All fines, forfeitures and penalities imposed by any ordinance, by-law, regulation or resolution of said city may be collected in an action in the name of the city of Berlin. Upon complaint made to any justice of the peace of said city by the chief of police, constable, or any other person, that any offense under the ordinances, by-laws, regulations or resolutions of said city has been committed, he shall examine the complaint on oath and witnesses produced by him, and shall reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that such offense has been committed, the said justice shall issue his warrant, reciting the substance of the complaint, and requiring the officer to whom it is directed forthwith to arrest the accused and bring him before such justice, or some other justice of said city, to answer to the city of Berlin for such offense, and to be dealt with according to law; and in the same warrant may require the officer to summon such witnesses as shall be named therein to appear and give evidence at the trial. Such complaint may be in the following form:

STATE OF WISCONSIN, }
Green Lake County, } ss.
City of Berlin. }

A. B., being first duly sworn and examined on oath, complains to the undersigned justice of the peace of said city, that C. D. did on the ——— day of ———, A. D. 18—, at said city, violate the ——— section of and ordinance (by-law, etc.) of said city, entitled ——— which said ——— is now in force as said complaint verily believes, by then

and there (here state offense), and prays that said C. D. may be arrested and held to answer to said city of Berlin therefor, and to be dealt with according to law.

A——— B———.

Subscribed and sworn to before me this ——— day of ——, 18—.

E. F, Justice of the Peace.

The warrant may be substantially in the following form:

STATE OF WISCONSIN, }
Green Lake County, } ss. In Justice Court.
City of Berlin. }

To the sheriff or any constable of said county, or to the chief of police of the city of Berlin, greeting:

Whereas, A. B has this day complained in writing, an oath, that C. D. did, on the ——— day of ———, 18—, at said city, violate the ——— section of an ordinance, (by-law, etc.,) of said city, entitled (here state title) which said ——— is now in force as said complainant verily believes, by then and there (here state offense). Therefore in the name of the state of Wisconsin, you are hereby commanded to arrest the said C D. and him forthwith bring before me to answer to to said city of Berlin on the complaint aforesaid, and to be dealt with according to law.

Given under my hand this ——— day of ———, 18—.

E. F., Justice of the Peace.

The officers mentioned in section 26, of this act may arrest offenders in all cases without warrant when such offenders are found in the commission of any offense.

SECTION 101. The justice shall enter an action in his docket in which the city of Berlin shall be plaintiff, and the accused defendant, and he shall keep all such other enteries as are required in civil causes.

SECTION 102. On the return of the warrant with the accused, the said justice shall proceed to hear, try and determine the action within one day unless continued for cause, and if the defendant shall before he pleads to said complaint, make oath that from prejudice or other cause he believes that the justice will not decide impartially in the matter, and shall pay the justice seventy-five cents for making a copy of his docket and transmitting the papers in the case, then said justice shall immediately transmit all the papers in the case to the nearest justice of said city qualified by law to try all causes between the said city and the defendant, and who is not unable to try the same by reason of sickness or absence, and in the event there shall be no justice of said city then qualified or able to try the same, then to any justice of the peace of said county, and the justice to whom

such action shall be transmitted as aforesaid, shall proceed to hear try and determine the same in the same manner as it would have been lawful for the justice before whom the warrant was returnable to have done.

SECTION 103. It shall be the duty of the justice before whom any person is brought charged with the commission of any offense under this act, or against any ordinance, by-law regulation or resolution of said city, to cause the city attorney to be immediately notified of such action, and it shall be the duty of the city attorney to appear for and on behalf of the city therein.

SECTION 104. Except as herein otherwise provided, all the general laws of this state relating to the trial and determination of actions of tort before justices of the peace, and the proceedings thereat shall apply to the trial and determination of actions for a violation of any ordinance, by-law, regulation or resolution of said city, and jurors shall be demanded, procured, summoned and sworn in all respects as provided in said general law for the trial of actions of tort before justices of the peace.

SECTION 105. From the time of the return of the warrant until the time of the trial, the accused may give bail, with one or more sufficient surities, for his appearance at the time fixed for trial, or in the event of his failure so to do, may be committed to the watch-house of the city of Berlin for safe-keeping, by an order of said justice, or left in custody of the arresting officer.

SECTION 106. Judgement shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, by-law, regulation, resolution, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit; and shall in all cases, unless otherwise provided in and by such ordinance further adjudged and order that in default of payment thereof the defendent be committed to the common jail of Green Lake county, for such time, not exceeding ninety days, as the court shall think fit. If such payment be not forthwith made, the justice shall make out a commitment, stating the amount of judgment and costs, and the time for which committed and in the usual form of commitment by justices of the peace. Every person so committed shall be received and committed to jail by the keeper of the common jail of said county, and kept at the expense of said city of Berlin, until the expiration of the time; but he shall be released by order of the justice on payment of such fine and costs, and all costs subsequent to the judgment, or by due course of law; provided, always, that it shall be competent for the justice to sentence any person, who shall be convicted before him as aforesaid, to hard labor in

addition to imprisonment, inside or outside such jail, but within the "jail limits" as established, and the common council shall, by ordinance, regulate the mode and manner of performing such labor, and the officer or officers who shall control such prisoners, and the form of the commitment may be varied accordingly.

SECTION 107. Appeals may be taken to the circuit court of Green Lake county in the same manner as from judgments in civil actions before justice of the peace, except that if taken by the defendant, he shall, as a part thereof, execute a bond to said city, with sureties to be approved by the justice, conditioned that if judgement be affirmed in whole or in part, he will pay the same and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part, execution may issue against both defendant and his surities; upon perfection of such appeal the defendant shall be discharged from custody.

SECTION 108. Whenever the accused, tried under the provisions or this act, either created hereby or under any ordinance, by-law, or regulation of said city, shall be acquitted, he shall be immediately discharged; and if the court before whom he is tried shall certify in his docket, that the complaint was wilful and malicious, and without probable cause, it shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court, to the sheriff, constable or chief of police, the jury and the fees of witnesses in the proceedings had upon such complaint; the complainant may stay such judgment for thirty days by giving satisfactory security by bond to said city, with one or more sureties to be approved by the justice conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give such security or shall neglect to pay such costs, then in such case the court before whom the cause is tried, may issue execution on said judgment against the person and property of the complainant in the same manner, and to the like effect as is now provided by law in cases where executions may issue against a defendant in actions founded in tort; but the defendant in such judgment shall have the right of appeal therefrom, in the same manner provided in the next preceding section, and on such appeal the case shall be tried and determined by the court upon the records and evidence in the case duly certified and returned by the magistrate.

SECTION 109. (As amended by chapter 178. Laws of 1889) Witnesses shall attend in all courts; on behalf of the city, in actions where the city is a party, without the tender or payment to them of their fees in advance, upon subpœna duly served and on their default they may be attached as now provided by law for such failure.

SECTION 110. In all prosecutions under this chapter the finding of the court or jury shall be either guilty, or not guilty.

SECTION 111. No person shall be incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest; but if a justice or juror shall be near of kin to the defendant he shall be disqualified to sit in any action.

SECTION 112. All ordinances, regulations or by-laws now in force in said city shall remain in force until altered, modified or repealed by the common council, unless the same shall be inconsistent herewith.

SECTION 113. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accumulated under the several acts consolidated herein shall be vested in and prosecuted by the corporation hereby created.

SECTION 114. In every action for a violation of any ordinance of said city, where the title of land shall in anywise come in question, the defendant, at the time when he is required to join issue, and not thereafter, may in his answer state facts showing that the title to land will come in question, which answer must be in writing, signed by the defendant, or his attorney, and delivered to the justice, who shall thereupon file the same among the papers in the case.

SECTION 115. At the time of tendering such answer, the defendant, with at least one sufficient surety, to be approved by the justice, shall enter into a bond with the city of Berlin, in the penal sum of two hundred dollars, conditioned, if such plaintiff shall prosecute its said action in the circuit court, and if judgment be rendered against the defendant on his answer setting up title in any such court, he will pay the amount of such judgment with costs. If such bond be not delivered, the justice shall proceed with the case, and the defendant shall be precluded in his defense from all evidence drawing in question the title to lands.

SECTION. 116. Upon filing the answer and bond the justice shall immediately make an entry thereof in his docket, and cease all other proceedings in the case; and the defendant shall thereupon be discharged from custody; and the justice shall certify and return to the circuit court of Green Lake county a transcript of all the entries made in his docket relating to said action together with all process and other papers therein, in the same manner and within the same time as upon an appeal.

SECTION 117. Upon filing the proceedings and papers in the office of clerk of court, the circuit court shall become possessed of the cause, and proceed to final judgment and execution, the same as if

said action had been originally commenced therein, and the costs shall abide the event of the action.

SECTION 118. Every justice of the peace of said city shall, quarter yearly, make and file with the city clerk a verified statement of all fines forfeitures or penalities, imposed or collected by him, in actions wherein the city is a party, and shall at the same time pay to the city treasurer all moneys in his hands arising from the same.

SECTION 119. A printed copy of any ordinance, by-laws, or resolution, published in a newspaper, or in pamphlet or book form, and having attached thereto a certificate of the city clerk that the same was passed and adopted by the common council of said city, and published as herein provided, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

CHAPTER XI.

PUBLIC SCHOOLS.

SECTION 120. The territory within the corporate limits of the city of Berlin, as defined by this act, shall constitute one district for the better regulation and management of the public schools of said city.

SECTION 121. The said superintendent of schools shall be ex-officio president of the board of education, and shall have a casting vote in said board in all cases of a tie, and shall perform all the duties, and shall have the same rights and powers within said city, and be subject to the liabilities as provided in this act.

SECTION 122. The city council of said city may make appointments of commissioners of common schools to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next charter election.

SECTION 123. Any commissioner of common schools in said city may be removed from office for official misconduct by the city council thereof, by a vote of two-thirds of the members thereof, but said commissioners shall be granted a full and fair hearing before removal.

SECTION 124. The commissioners of common schools in said city shall constitute a board, to be styled, the "board of education of the city of Berlin," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act. A majority of the board shall form a quorum. At their first meeting after each annual charter election, said board shall elect one of their number president, who shall in the absence of the superintendent, preside at the meetings of said board, and perform his duties. In the absence

of both superintendent and president, a president pro tempore may be appointed. They shall also elect a clerk and fix his compensation. The term of office of such clerk shall expire as that of other appointed officers.

SECTION 125. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or transcript thereof, certified by the president and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth; and such records, and all the books and accounts of said board, shall at all times be subject to the inspection of the city council and of any committee thereof.

SECTION 126. The city council of the said city shall have power and it shall be their duty to raise from time to time, by tax upon the real and personal estate in said city which shall be liable to taxation for the ordinary city taxes, or for city or county charges, in addition to the amount of school moneys now or hereafter appriopriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes:

1. To purchase, lease or improve sites for school-houses.

2. To build, purchase, lease, enlarge, alter, improve and repair school-houses, and their out-houses and appurtenances.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to include the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same.

4. To procure fuel and defray the contingent expenses of the common schools and the expenses of the district library of said city.

5. To pay the wages of teachers due, after the application of the public moneys which may by law be appropriated and provided for that purpose; provided, nevertheless, that no tax shall be levied for such purpose oftener than once in each year; and provided, also, that the amount to be raised for teachers' wages and for contingent expenses in any one year, shall in no case exceed six dollars for each person that draws public money, nor less than two dollars; that the amount to be raised in any one year for buying sites and erecting and repairing school-houses and the appurtenances, shall not exceed one thousand dollars.

SECTION 127. The city council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property, or capital of any kind, within said city, as is subject to taxation by the laws for levying taxes for the state for the time being; said taxes to be levied and collected in the same manner as usual taxes are levied and collected in said city.

SECTION 128. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties of his official bond, shall be accountable therefor, in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys, as for any similar misconduct in relation to the other moneys of the city.

SECTION 129. After the passage of this act, the treasurer of said city shall not pay out any moneys in his hands, received by said city either as school moneys, or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

SECTION 130. The said board may cause a suit or suits to be prosecuted in the name of the city of Berlin, upon the official bond of the treasurer, or of any collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe-keeping or payment of any moneys in this section mentioned.

SECTION 131. The said board shall have power, and it shall be their duty:

1. To establish and organize such and so many schools in said city (including the common schools now existing therein) as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase or hire school-houses and rooms, and lots and sites for school-houses, and to fence and improve them as they deem proper.

3. Upon such lots, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school-houses, as they may deem advisable.

4. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages and to provide fuel for the schools, and defray their contingent expenses, and the expenses of the district library.

5. To have the custody and safe-keeping of the school-houses, out-houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto, are observed.

6. To contract with and employ all teachers in the common schools and the high schools, who shall have been licensed by the president, and at their pleasure to remove them.

7. To pay the wages of such teachers out of the school moneys which shall be appropriated and provided in said city, so far as the

same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by this act, by tax upon the city.

8. To defray the necessary contingent expense of the board.

9. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time adopt, alter, modify and repeal as they may deem expedient rules and regulations for their organization, government and instruction, for the reception of pupils, and their transfer from one school to another, and generally for their good order, prosperity and public utility.

10. Whenever, in the opinion of the board, it may be advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.

11. To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of school-houses, lots and sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and annually determine and certify to said city council the sums in their opinion necessary or proper to be raised under the provisions of this act, specifying the sums required for each of the purposes therein mentioned and the reason therefor.

12. To provide for the payment of any adjoining school district the proper amount to which it may be entitled on account of such district, in whole or in part, having been connected with the territory now included in said city.

SECTION 132. The said board of education shall have power to allow the children of persons not residents within the city to attend any of the schools of said city under the care and control of said board, upon such terms as such board shall by resolution prescribe, fixing the tuition that shall be paid therefor.

SECITON 133. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of moneys that shall be subject to their order during the then current year for the particular expenditure in question, and not to exceed such amount.

SECTION 134. The said board of education shall be trustees of the district library in said city, and all the provisions of law which are now or may hereafter be passed relating to district school libraries, shall apply to the said board in the same manner as if they were

trustees of an ordinary school district. They shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian, to make all purchases of books for the said library, and from time to time exchange or cause to be repaired the damaged books belonging thereto.

SECTION 135. It shall be the duty of the said board, at least fifteen days before the annual election for commissioners in each year, to prepare and report to the city council true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated under appropriate heads:

1. The moneys received by the city council under the provisions of this act.

2. The school moneys received by the treasurer of the city from the county treasury.

3. All other moneys received by the treasurer subject to the order of the board, specifying the sources.

4. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditure; and the city council shall, ten days before such election, cause the same to be published in at least one of the newspapers published in said city.

SECTION 136. The said board shall be subject from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

SECTION 137. The superintendent of schools shall be the executive officer of the board of education, shall examine all teachers making applications for schools, [examinations to be public and in the presence of the board], shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools. He shall also be specially charged with the care and custody of the several school-houses of the city, and under the direction of the board shall superintend the building, enlarging, improving, furnishing and repairing of all the school-houses ordered to be erected by them and making all repairs and improvements on and around the same. In addition to the foregoing duties he shall visit the common schools of the city at least twice during each term and report their condition to the board, with such suggestions for

their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign him. The amount of his compensation shall be determined by the city council and the manner of its payment.

SECTION 138. It shall be the duty of the superintendent between the first and fifteenth days of October, in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing the date on the first day of October, in the year of its transmission, stating:

1. The number of schools taught within the city, and the length of time they have been taught by qualified teachers.

2. The total amount of public money received for the use and benefit of such schools.

3. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years.

4. The manner in which the public moneys have been expended, whether any, and what part remains unexpended, and for what cause.

5. The amount of money raised in the city and paid for teachers' wages, in addition to the public money raised therefor; the amount of taxes raised for the purchase of school-house sites for building, hiring, purchasing, repairing and insuring school-houses, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

SECTION 139. The city council of said city shall have the power, and it shall be their duty to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe-keeping, care and preservation of the school-houses, lots, sites and appurtenances and all necessary property belonging to and connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this act.

SECTION 140. Whenever the said board shall report to the city council that it is advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the city, it shall be the duty of the city council to sell the same without unreasonable delay, and upon such terms as the city council may

deem advisable. The proceeds of all such sales shall be paid to the city treasurer and shall be subject to the order of said board, to be expended by them in purchase, leasing, repairs or improvements of other school-houses, lots, school furniture, apparatus or appurtenances.

SECTION 141. The title of the school-houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Berlin, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city in its corporate capacity shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, by its proper style, or by any other designation, or to any person or persons, or body, for the use of said schools.

SECTION 142. All moneys required to be raised by virtue of this act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out in pursuance of resolution or resolutions of said board, by drafts drawn by the superintendent and countersigned by the clerk of said board, payable to the person or persons entitled to receive such moneys; and the said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

SECTION 143. No person in the city of Berlin engaged in teaching any of the schools of said city, shall be eligible to the office of commissioner of common schools in said city, and no member of the board of education shall be employed to teach any of the schools of said city.

SECTION 144. All accounts and demands against the school fund of said city, except salaries and amounts previously fixed by resolution of the board of education, shall before the same shall be allowed by the board of education be verified by the affidavit of the claimant or his agent, and any person who shall swear falsely in any such affidavit shall be deemed guilty of perjury, and shall be punished therefor as provided by law for that offense. The determination of the board of education disallowing any claim, in whole or in part, shall be final and conclusive, and a perpetual bar to any action in any court founded upon such claim, except that the person preferring such claim may appeal from the decision of said board of education to the circuit court of Green Lake county within the time, and in the same

manner provided in sections 44 and 45 of this act, as to appeals from the determination of the common council, except that the notice of appeal and bond shall be served upon and approved by the superintendent of schools, and the return on appeal shall be made and certified by the clerk of the board of education, and the terms and provisions of section 47, of this act shall be held to extend to claims presented to the board of education, and filed with the clerk thereof.

CHAPTER XII.

MISCELLANEOUS.

SECTION 145. The officers whose duties appertain to school matters, mention whereof is made in this act, are declared to be the superintendent of public schools, and school commissioners, and no other officers.

SECTION 146. If any officer of said city shall for ten days after the expiration of his term of office, and demand being of him made therefor, neglect or refuse to deliver to his successor in office, all books, property, papers, and effects of every description in his possession belonging to the city,or pertaining to the office which he may have held, he shall forfeit and pay to said city the sum of one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, and other effects, in an action in his own name as provided by the general laws of this state in relation to actions of replevin.

SECTION 147. The salaries of all officers of said city whose compensation is not herein provided for, shall be fixed by the common council; provided, however, that no school commissioner or alderman, shall receive any compensation except as herein allowed.

SECTION 148. The officers of said city shall qualify by taking and filing with the city clerk an oath to support the constitution of the United States, and of the state of Wisconsin, and faithfully to discharge the duties of the office to which he is elected, or appointed, and by filing a bond if any bond is required to be given.

SECTION 149. The real and personal property belonging to said city shall always be exempt from seizure or sale on execution against the city, and no real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied upon and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of the city.

SECTION 150. The general laws of the state for the preservation of bridges and the punishment of all persons for wilful or maliciousin juries thereto are hereby extended to and shall include all the bridges in said city. And the city may maintain on action against any boat or

watercraft under the law, to provide for the collection of demands against boats and vessels, for the damage done to any bridges of said city, by any such boat or watercraft, or the captain or master in command thereof.

SECTION 151. The said city may lease, purchase and hold, real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and they shall be free from taxation while owned by the city.

SECTION 152. Any alderman or school commissioner, who shall wilfully vote for any appropriation, or for the expenditure or payment of any money, not authorized by law, or for the levying of a larger tax than herein authorized, or the mayor, or superintendent of schools, voting for any such appropriation, expenditure or tax levy, or for the contracting of any such debts shall be personally liable to the city of Berlin for all damages the city may sustain in consequence of such illegal appropriation, payment, expenditure or tax levy.

SECTION 153. No general law of this state contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law, as an amendment to this act.

SECTION 154. Bridges shall be maintained, supported and built across Fox river in said city, where the same may be necessary or convenient, at the expense of the city.

SECTION 155. This act is declared to be a public act, and shall be liberally construed in all courts.

SECTION 156. No person shall be entitled to have any action or claim against said city on account of any damage which shall happen to his person or property by reason of the insufficiency or want of repairs of any bridge, sluiceway, street, alley or sidewalk, unless such person shall within ninety days after the happening of the event causing such damage, make and serve, by himself, his attorney or agent, a notice in writing, upon the mayor and city clerk of said city, stating the place where and the time such damage occurred, and describing generally the insufficiency or want of repair which occasioned it, and that damage is claimed of said city therefor.

SECTION 157. All city orders lawfully issued to any person, which shall be presented to the city treasurer for payment and payment thereof shall be refused, shall bear interest at the rate of six per cent. per annum from the time when so presented, and the owner thereof may bring an action against said city thereon, by summons as provided by the general laws of this state in regard to actions against cities.

SECTION 158. (As amended by Chap. 337, Laws 1889.) The com-

mon council shall have power to expend not to exceed the sum of five hundred dollars in any one year in building or repairing any of the highways leading into the city, at any point outside of the city; provided, that not less than two-thirds of all the aldermen of said city shall be of opinion that the same will tend to the advantage of said city, and shall consent thereto; and provided further, that all votes to appropriate money to be expended as provided by this section, shall be taken by the yeas and nays, to be entered upon the record. And provided, further, that any member of said common council may demand the call of the yeas and nays on any vote to be taken by said council, and upon such demand being made, the clerk shall call the roll of the members of said council, and the vote thus taken shall be entered on the record of proceedings.

SECTION 159. All acts incorporating the city of Berlin, or amendatory thereof, are hereby repealed; and all acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure, or invalidate any contract, acts, suits, claims, or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue, or in pursuance of said acts, or any of them, but the same shall exist, and be in force, and be carried out as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 160. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1887.

AN ORDINANCE

For Revising and Consolodating the General Ordinances of the City of Berlin.

WHEREAS, It is expedient that the general ordinances of the city of Berlin should be consolidated and arranged in appropriate chapters, articles, and sections; that ommissions should be supplied and defects amended, and that the whole should be rendered plain, concise and intelligible; Therefore,

The Mayor and the Common Council of the city of Berlin do ordain as follows:

CHAPTER I.—THE MAYOR.

SECTION 161. The Mayor shall keep his office at such place in the city, as may be provided by the Common Council. He shall sign all commissions and permits granted by the authority of the Common Council except as otherwise provided. And such other acts as by law or ordinance may require his certificate.

SEC. 162. The Mayor shall grant licenses for the purposes authorized by this ordinance to such persons as shall be duly qualified according to the ordinances of the Common Council, as he may deem proper, unless the Common Council shall otherwise designate, and may revoke the same at pleasure.

SEC. 163. The Mayor shall supervise the conduct of all the officers of the city, except judicial officers; examine the grounds of all reasonable complaint made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the Common Council for punishment.

CHAPTER II.—LEGISLATIVE DEPARTMENT.

ARTICLE I.—THE COMMON COUNCIL.

SECTION 164. Every committee of the Common Council in reporting upon a subject referred to them must attach to their report

all resolutions, petitions, remonstrances and other papers in their possession relative to the matter referred.

ARTICLE II.

SECTION 165. The City Clerk shall in addition to the duties now imposed upon him by law, perform the following duties:

1. He shall issue notices to the members of the Common Council when directed by that body; to the members of the different committees of that body, and to all persons whose attendance will be required before any such committee, when directed by the chairman or by a majority of such committee and shall also issue notices of special meetings.

2. He shall attest all licenses and permits granted by the Mayor or Common Council, under the ordinances of the city.

3. He shall without delay, deliver to the officers of the corporation, and to all committees of the Common Council, all resolutions and communications referred to those officers or committees by that body.

4 He shall, without delay, deliver to the Mayor all ordinances or resolutions under his charge, which may require to be approved or otherwise acted upon by the Mayor, with all papers on which the same were founded.

CHAPTER III.—DEPARTMENT OF PUBLIC WORKS.

THE CITY SURVEYOR.

SECTION 166. The City Surveyor shall perform such duties as may be required of him by the Mayor, or the Common Council, or by the ordinances of the city.

SEC. 167. He shall perform all such services in the prosecution of public improvements, as may require the skill and experience of a civil engineer.

SEC. 168. He shall have charge of the construction and repairing of all bridges, viaducts and water works, and shall superintend the laying of all main and supply water pipes.

ARTICLE II.—THE STREET COMMISSIONER.

SECTION 169. The Street Commissioner shall perform such duties as may be required by the Common Council, or by the committee of the Common Council on streets and alleys, or such further duties as may be provided by the ordinances of said city.

CHAPTER IV.

ARTICLE I.—CHIEF OF POLICE.

SECTION 170. The Chief of Police shall devote his whole time to the municipal affairs of the City of Berlin, to preserve the peace, order, safety, and cleanliness thereof, and to this end he shall execute

and enforce all ordinances and orders of the City Council, and the orders of the Mayor.

SEC. 171. He shall be charged with the duty of protecting the rights of persons and property, and shall under the direction of the Mayor have command of all Policeman of the City, and he shall see that all ordinances of the City or orders of the Council, or of the Mayor, are enforced, and whenever any violation of the same shall come to his knowledge he shall notify the City Attorney thereof, and shall attend to the procuring of evidence of such violation, and shall report the same to the City Attorney.

SEC. 172. He shall attend all meetings of the Common Council, and shall serve all notices required to be served upon any Alderman, or upon any other person by reason of the order of the Common Council, unless otherwise provided by this or some other ordinance.

SEC. 173. He shall collect all fines imposed by any ordinance of the city, and enforce the payment of all moneys due on account of any license required by the ordinances or by the laws of this state.

SEC. 174. He shall cause all persons who are guilty of a violation in this city of any law of this state, or ordinance of this city, to be prosecuted before some court having jurisdiction of such offense.

ARTICLE II —POLICE DEPARTMENT.

SECTION 175. The several members of the police force of the city of Berlin when on duty shall devote their time and attention to the discharge of the duties imposed upon them by the ordinances of this city and the laws of this state, and the rules and regulations prescribed for their conduct and government by the Mayor, or Chief of Police with the approval of the Mayor and it shall be their duty, to the best of their ability, to preserve order, peace and quiet, and enforce the laws and ordinances throughout the city.

SEC. 176. They shall have power to arrest all persons in the city found in the act of violating any law, or ordinance, or aiding or abetting any such violation, and shall take all persons so arrested before some magistrate of this City to be dealt with according to law.

SEC. 177. Any Policeman of this city who shall neglect, or refuse to perform any duty required of him by the ordinances of the city, or the rules and regulation established by the Mayor or chief of police with the approval of the Mayor, or who shall be guilty of any fraud, extortion, oppression, favoritism or willful wrong or injustice in the discharge of his official duties, shall pay a fine of not less than five dollars, and not more than one hundred dollars for each offense.

SEC. 178. The Mayor and any Alderman, or Policeman of the city, shall have free access at all times (and without paying any entrance fee) to all theaters and other public places within this city where people shall convene or assemble in a public manner, for any

entertainment, or otherwise, and it shall be the duty of any such officer to preserve peace and good order in any such place where he may be.

SEC. 179. Any person who shall in this city, resist any police officer while in the discharge of his duty, or who shall in any way interfere with, or hinder, or prevent him from discharging his duty, as such officer, or who shall offer or endeavor to do so, or who shall, in any manner, assist any person in custody of any police officer to escape, or attempt to escape, from such custody, or attempt to rescue any person in custody, shall pay a fine of not less than five dollars and not more than one hundred dollars for each offense.

SEC. 180. Hackmen, cabmen, omnibus drivers, draymen, porters, runners and other persons when at or about any railroad depot, or station, or steam boat landing, or other public place in the city shall obey the commands and directions of the police officer, or officers who may be stationed or doing duty on or about such depots, landings, or other public places, for the preservation of order and the enforcing the ordinances. Whoever shall refuse to obey the commands and directions of the police officers as aforesaid, shall pay a fine of not less than one dollar and not more than ten dollars for each offense.

CHAPTER V.

ARTICLE I.—ORDINANCES.

SECTION 181. Every ordinance shall be engrossed by the City Clerk before the vote is taken on its final passage, unless otherwise ordered by three fourths of all the Aldermen elected.

SEC. 182. All ordinances passed by the Common Council shall be recorded by the City Clerk in proper books with indexes. The original shall be filed in the Clerk's office and be preserved by him and due proof of the publication of all ordinances shall be procured by the Clerk, and filed in his office, to be preserved therein.

SEC. 183. In all cases where the same offenses may be made punishable or shall be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

SEC. 184. Whenever in this, or in any ordinance hereafter passed, a minimum but no maximum penalty is imposed, the Court may, in its discretion, adjudge the offender or offenders to pay any sum of money exceeding the minimum fine or penalty so fixed, not exceeding the sum of one hundred dollars.

SEC 185 When any ordinance repealing a former ordinance, clause, or provision, shall be itself repealed, such repeal shall not re-

vive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

SEC. 186. Whenever any words in any ordinance importing the plural number shall be used in describing, or referring to any matters, parties or persons, any single matter, party or person, shall be deemed to be included although distributive words may not be used. And when any subject matter, party or person, shall be referred to in any ordinance, by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

SEC. 187. Whenever in any ordinance the doing of any act or the ommission to do any act or duty is required, imposed or commanded and there shall be no fine or penalty declared for a violation thereof, any person who shall be convicted of any violation of the same, shall pay a fine of not less than one dollar or more than one hundred dollars.

SEC. 188. Wherever in this or any ordinance of the city a maximum and minimum fine or penalty is provided for a breach thereof the Court or Magistrate before whom any offender or offenders shall be convicted shall impose a fine of not less than the minimun fine or penalty and not more than the maximum fine or penalty fixed, in he discretion of such Court or Magistrate.

SEC. 189. When a fine is imposed for any offense under this ordinance or any ordinance of this city the Court shall also adjudge the person or persons convicted to pay the costs of prosecution in all cases, and shall also adjudge that upon default of payment of such fine and costs, the person or persons convicted shall be committed to and imprisoned in the watch house, or lock up, of the city of Berlin until such fine and costs are paid or discharged; but the Court shall limit the time of such imprisonment in each case in its discretion, in no case however to exceed ninety days, and whenever a shorter time of imprisonment shall be prescribed for any offense not to exceed the period so prescribed; and the Justice or Court before whom such person is convicted may also sentence such person to hard labor during the term of such imprisonment.

SEC. 190. Any person sentenced to imprisonment at hard labor for a violation of any ordinance of this city shall during the term of such imprisonment do such labor as shall be required of him by the Chief of Police in this city and he shall be allowed the sum of fifty

cents per day for each and every day he shall labor as aforesaid to be applied in payment of such fine and costs, and when his allowence at that rate for such labor shall equal such fine and costs he shall be discharged.

SEC. 191. Any person imprisoned at hard labor, who shall refuse to perform the labor required of him by the Chief of Police, or who shall escape, or attempt to escape from such imprisonment, before he shall be lawfully discharged, shall pay a fine of not less than one dollar, nor more than one hundred dollars for each offense.

SEC. 192. Any person sentenced to imprisonment for failure to pay any fine and costs imposed upon him for a violation of any ordinance of the city, may be released before the end of his term of imprisonment, upon the written order of the Mayor to the Chief of Police, or person having charge of the city lock-up, directing such person to be released; and it shall be the duty of the person to whom such order shall have been given to forthwith file the same with the City Clerk to be laid before the Common Council, and the same shall be laid before such Council at the next meeting thereafter.

CHAPTER VI.—MISCELLANEOUS ORDINANCES.

ARTICLE I.—AUCTIONS AND AUCTIONEERS.

SECTION 193. No person shall sell any goods, wares, merchandise, or other thing whatever at auction in any place in this city (unless exempt from obtaining an auctioneer's license by the laws of this state) unless license therefor be first obtained by him from the Mayor, as hereinafter provided.

SEC. 194. Every person who may wish to obtain a license to sell any such goods, wares, or merchandise at auction shall apply in writing for the same, to the Mayor, setting forth therein, his proposed place of business, and the names of his sureties, and in no case shall such license be transferable, or the place of business changed, without the consent, in writing, of the Mayor.

SEC. 195. License may be granted by the Mayor, to any person who shall apply to him therefor, to sell goods, wares, merchandise at auction, in this City, upon payment into the city treasury of the sum of ten dollars, for each day for which such license is granted, and the execution and delivery to the Mayor, of a bond, executed by such applicant and sureties, to be approved by the Mayor, conditioned for the payment by such applicant of the precentages on the gross amount of sales hereinafter mentioned, such applicant or licensee, shall, at the close of each day, make a full report of all sales made during said day, verified by his affidavit, and forthwith file the same with the City Clerk, and such licensee shall, in addition to the license fee paid

each day, also pay to the City Treasurer ten per centum of the gross amount of money received from sales made by him which sum shall be paid to the Treasurer at the close of each day.

SEC. 196. Every such license shall cease and be null and void in case such licensee shall fail to pay said license fee each day in advance, or in case he shall neglect or fail to make and file such report of sales and pay into the city treasurer ten per centum of the gross amount of the money received from sales, at the close of each day, or by nine o'clock on the day next following. Provided that the Mayor may grant license to any such applicant to sell goods, wares, and merchandise at auction for one year upon payment into the city treasury of not less than one hundred dollars nor more than three hundred dollars in the discretion of the Mayor and the execution of the bond hereinbefore required but such licensee shall be required to make the same daily report and pay into the city treasury the same precentages as required herein of other auctioneers.

SEC. 197. Any person violating any provision of this article shall be punished by a fine of not less than five dollars nor more than one hundred dollars, besides the cost of prosecution, and in default of payment of such fine and costs, shall be imprisoned in the city lock-up for the term of forty days, unless sooner discharged by due course of law.

ARTICLE II—AMUSEMENTS.

SECTION. 198. No person or persons, within the limits of this city, shall give any entertainment such as are hereafter mentioned, for gain, without a license for that purpose first had and obtained from the Mayor, under the seal of the city, under a penalty of fifty dollars for each offense, provided, that no such license shall be required for musical parties, concerts, theatrical and other entertainments and exhibitions, given by citizens of this city,not engaged in the giving of such entertainments, as a business.

SEC. 199. The owner or lessee of any public hall in this city may be licensed by the Mayor, to hold or permit to be held in such hall, any public entertainment, show, concert or theatrical performmance, for the period of one year from the date of such license, upon the payment into the city treasury of the sum of not less than ten dollars.

SEC. 200. License may be granted by the Mayor for the holding of any public exhibition, show, concert, theatrical or other entertainment within this city, in any public hall or other building therein, upon payment into the city treasury of the sum two dollars, and for the holding and exhibition of any circus, menagerie, or other public show in said city, not held in any public hall or other building, upon

payment into the city treasury of such sum as the Mayor may prescribe not less than five dollars nor more than than fifty dollars, for each day such license shall be granted.

SEC. 201. Every such license shall be issued by the City Clerk, on notice to him from the City Treasurer, that the license tax or fee has been paid, and shall be presented by him to the Mayor for his signature.

SEC. 202. Any owner, proprietor, or lessee of any public hall or other building in this city where public entertainments are given, who shall permit any person or persons, to use the same, for the purpose of giving any entertainment for gain (except in those cases where no licenses are required) without having first obtained from the Mayor the license herein required, either in his own name or in the name of the person giving such entertainment, shall pay a fine of fifty dollars.

SEC. 203. Any person who shall stand in the lobby, or outer entrance to any licensed hall, or other licensed public building, or upon the stairway leading to the same, or on the sidewalk adjacent to and near such entrance, after a request to move on, made by the owner, lessee, or any public officer, shall pay a fine of not less than one dollar and not more than ten dollars for each offense.

ARTICLE III—FIRE.

SECTION. 204 Whoever without reasonable cause, by outcry or otherwise makes or circulates, or causes to be made, or circulated, any false alarm of fire, in this city, shall pay a fine of not less than one dollar nor more than fifty dollars for each offense.

SEC. 205. Any person who shall take or use in any barn or stable within the city any lighted candle, oil or fluid lamp, or any burning light whatsoever, unless the same be enclosed and secured in a good glass, horn, or other lantern, shall pay a fine of not less than one dollar nor more than twenty dollars for each such offense.

SEC. 206. Every person keeping or occupying any shop, or other building, in this city, wherein shavings or other combustible materials are made, accumulated, or may be contained, and situated within two hundred feet of any other building, shall clear and remove such shavings or other combustible materials out of any such building or the yard belonging thereto, at least three times in each week. Any person or persons using rags, or waste, for rubbing furniture, or varnished or oiled work, shall burn or cause to be burned such rags or waste every day, or if the same are not burned at the close of the working day such rags or waste shall be immersed in water. Any person violating any provision of this section shall pay a fine of not less than one dollar nor more than twenty dollars for each offense.

SEC. 207. No stove shall be used in any such shop or building

unless the same shall be set in a box surrounded by fire proof material under the penalty of two dollars for each offense.

SEC. 208. Any person who shall carry fire in, or through any street, or lot, or other public, or private place, except the same be placed or covered in some close or secure pan or other vessel shall pay a fine of one dollar for each such offense.

SEC. 209. Any person who, in removing any chips shavings or other combustible matter, shall scatter or throw them, or suffer them to be thrown or scattered on any street, alley or other public place, shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 210. No lumber shall be piled for the purpose of seasoning or drying the same, within one hundred feet of any planing mill or wood working manufactory nor within one hundred feet of any private residence, unless the same has been erected since the establishment of any such lumber yard, under a penalty of not less than one dollar nor more than twenty five dollars for each offense. And every day that any lumber shall remain piled in violation of this section shall be deemed a new and distinct offense.

SEC. 211. Any person who shall keep ashes in any barrel, box or wooden vessel, or on any wooden floor, in any building, shall pay a fine of not less than one dollar, nor more than fifty dollars for each offense.

SEC. 212. Any person who shall, in this city, draw from any package, hogshead, barrel or keg, or otherwise handle any camphene, burning fluid, spirits of turpentine, gasoline, naptha, alcohol, or other highly explosive, or inflamable articles, in any quantity, by any artifical light or who shall keep in any store, dwelling or other building in this city (except in magazines, which magazine shall not be erected within twenty-five rods of any other building) more than twenty five pounds of gunpowder, gun cotton, dynamite, or nitro-glycerine, at any time, and from keeping any quantity of gun powder whatever, unless the same shall be kept in a metallic safe, or keep any quantity of such gun cotton, dynamite, or nitro-glycerine, whatever, except in such magazines, shall pay a fine of five dollars for each offense besides the costs of prosecution, and in default of payment of such fine and costs shall be imprisoned in the city lock-up ten days unless discharged by due course of law.

ARTICLE IV—FIRE LIMITS.

SECTION 213. Blocks number eleven, twelve, thirteen, fourteen fifteen, sixteen, seventeen, eighteen, ninteen, and twenty in the original plat of Strongsville, now city of Berlin, and the south half of blocks number ninety four, ninety five, and the whole of block number

ninety six in Forsyth & Bassett's addition to said city, and the north half of blocks number sixty two, sixty three, sixty four and sixty five in Van Horn's addition to the village [now city] of Berlin shall be known as the fire limits of the city of Berlin.

SEC. 214. The fire limits are hereby divided into two districts as follows: The south half of said blocks number eleven, twelve, thirteen, fourteen, and all of block fifteen and the north half of blocks number sixteen, seventeen, eighteen, nineteen, and twenty aforesaid shall constitute the first district, and the remainder of the aforesaid fire limits shall constitute the second district.

SEC. 215. No person shall hereafter erect, or place, or cause to be erected or placed upon any portion of the first district, any building or structure whatever, unless the same be fire proof; nor shall any person move any wooden building from the second district, nor from without the fire limits onto lands within the first district, and the Common Council shall have no authority to exempt any persons from the provisions of this section.

SEC. 216. No person shall hereafter erect or place, or cause to be erected or placed, on any portion of the second district, any building or structure whatever, unless the same be fire proof nor shall any person remove any wooden building from without the fire limits into any part of the second district, nor shall any person remove any wooden building from one location to another within the fire limits, provided that the Common Council may exempt any person from the provisions of this section in cases where such exemption would not endanger the public safety, on such terms and conditions as the public safety may require and provided further that the Common Council shall have no authority to permit any person to remove any building from the second district to the first district.

SEC. 217. No building shall be deemed fire proof within the meaning of this article, unless the walls thereof be constructed of stone, brick or other fire proof material at least eight inches thick, with stone or iron window and door caps and sills, and with roofs covered with tin, cement or other fire proof material.

SEC. 218. Any person offending against any of the provisions of this article shall be punished by a fine of twenty-five dollars and costs of prosecution and in default of the payment of such fine and costs shall be imprisoned in the city lock-up forty days unless sooner discharged by due course of law.

SEC. 219. If any person shall hereafter, contrary to the provisions of this article erect or place, or cause to to be erected or placed any building or structure not fire proof, upon any part of the fire limits, or shall contrary to the provisions of this article move any

wooden building from without the fire limits onto lands within the fire limits or from the second district to the first district, or from one location to another within the fire limits, he shall be punished as provided in the next preceeding section, and the Mayor shall give him notice directing him to raze such building, move it without the fire limits, or to the place from which it may have been removed, as such person or persons may elect, and if such person shall fail or neglect for the space of three days, after the service of such notice upon him, to remove or raze such building or structure, he shall be punished by a fine of not less than one dollar and not more than twenty five dollars for such offense and a like fine for every day thereafter that he shall fail or neglect to raze or remove such building.

ARTICLE V—FIRE DEPARTMENT.

SEC. 220. The fire department of said city shall consist of a Chief Engineer, three Assistant Engineers, a Secretary, a Treasurer, and the firemen belonging to the several engine, hose, fire, and hook and ladder or other companies now duly organized, or which shall organize under this ordinance for the suppression or prevention of fires or the protection of property thereat.

SEC. 221. The Chief Engineer shall in all cases have control of the different fire companies, their engines and fire apparatus; also, the direction and control of the members thereof when called out on duty. He shall see that the engines and all apparatus of the fire department are kept in perfect order and readiness for immediate use, and shall cause all necessary repairs to be made, without letting the same by contract, and report the same to the City Council for approval and allowance. He shall use his utmost endeavors to prevent and subdue fires and to control the firemen thereat.

SEC. 222. The Assistant Engineers shall be distinguished as First, Second and Third Assistants. They shall assist the Chief Engineer and obey his orders when on duty; and in his absence shall take command according to rank.

SEC. 223. The Chief Engineer shall report quarterly to the City Council the condition of the engines, hose, hooks, ladders, engine house and other fire apparatus, and recommend such alterations or improvements in the same as he may think proper and necessary.

SEC. 224. The Chief Engineer shall keep a record of the names of the members of the different companies, specifying the company to which each belongs, and all reductions of and accessions to such companies respectively; and report the same to the City Council on the last Monday in April in each year.

SEC. 225. The Chief and Assistant Engineers shall each, when on

duty, so far as is practicable, wear some distinctive badge clearly showing their office and rank.

SEC. 226. In case of the absence of the Chief Engineer and Assistant Engineers at any fire, the Foreman of the fire enigne company No. 1, hook and ladder company, No. 1, and hose companies Nos. 1, and 2, shall act as Chief Engineer in the order named.

SEC. 227. The officers of each fire company shall consist of a Foreman and two Assistant Foremen, who shall be elected by a majority of the members of the company voting at such election. Such Foremen and Assistants upon every alarm of fire shall immediately repair thereto with the engines and other implements under their charge, and there work and manage the same, under the direction of the Chief Engineer and his Assistants in the most effective manner, until dismissed by the Chief Engineer.

SEC. 228. The Foreman of each company shall see that the engine or other fire apparatus worked by his company is kept in good order and ready for immediate use.

SEC. 229. It shall be the duty of the Chief Engineer to be as near every fire as practicable, and in such place as to be accessible at all times to the officers of the different companies, and be ready to give his instructions, through his Assistants, to the Foremen of those respective companies.

SEC. 230 The Assistant Engineers shall be as near the Chief Engineer as circumstances will admit, and be subject to and obey his orders and directions.

SEC. 231. The Foreman of each company shall, under the Chief Engineer, have command of his company, and the right to direct and control the members while on duty.

SEC. 232. It shall be the duty of each member of the several fire companies to repair immediately to the engine house on every alarm of fire; to aid in getting their fire apparatus to the fire, and get it at work; to remain at the fire and assist in subduing the same; and while there to attend to any duty required by his Foreman or officer in command. It shall be the duty of the member first arriving at the engine house on an alarm of fire, to act as Foreman or Assistant, during the absence of those officers and if in the night to see that the torches and signals be taken with the engines.

SEC. 233. It shall be the duty of each member, under command of the Foreman, after every fire, to assist to wash and clean the fire apparatus, controlled and worked by the fire company to which he belongs, if required to do so. It shall be the duty of each member within thirty days after receiving notice of his election, to provide himself with a uniform and cap in conformity to those worn by the

company to which he is elected, and a key to the engine house; to notify the Secretary of any change in his residence, and to attend all meetings of his company.

SEC. 234 The Secretary shall keep a record, in a book to be provided him for that purpose, of the proceedings of all meetings of the Fire Department, and all meetings of the Executive Committee of said department and perform such other duties as said committee shall require of him.

SEC. 235 The Treasurer of the Fire Department shall give bonds to the city of Berlin in the sum of one thousand dollars, or such further sum as the executive committee shall direct, with two or more sureties to be approved by the executive committee; and such sureties shall, in the aggregate, be the owners in fee of unincumbered real estate, within the county of Green Lake, over and above all debts, liabilities and exemptions, worth treble the amount of such bond. Such bond shall be conditioned for the faithful performance of the duties of his office, and that he will pay over and deliver to his successor, upon demand, all books, papers, money and property in his hands as such Treasurer. Said Treasurer shall receive and safely keep the relief fund and other moneys belonging to the Fire Department, and pay the same out only upon the order of the Chief Engineer, countersigned by the Secretary, and shall render a full and correct account to the executive committee as often as required.

SEC. 236 The Chief and Assistant Engineers and the Foreman of the several companies, shall constitute the Executive Committee of the Fire Department, of which committee the Chief Engineer shall be President. Said committee shall have authority, and it shall be their duty to prescribe rules and regulations, not inconsistent with the laws of this state or of any ordinance of the city of Berlin, for the government of the different fire companies in said city—which rules and regulations when so prescribed and printed, shall have the force of law; to have the general oversight and management of the concerns of the Fire Department, subject to the Common Council; to audit and order paid all bills which are a fair and just charge upon the funds of the Fire Department; to determine and prescribe the uniforms of the officers; and to do all other acts necessary for the welfare and efficiency of the Fire Department, not inconsistent with law.

SEC. 237 All funds in the Treasury of the Fire Department shall be controlled by the Executive Committee, and paid out for such purposes as a majority thereof shall determine to be proper and in furtherence of the interests of the department.

SEC. 238. Wherever the word Fire Company is used in this ordinance it shall be construed to mean any company organized or to

be organized for the purpose of putting out and preventing fires in the City of Berlin, or for the protection of property at fires.

SEC. 239. There shall be a meeting of the members of all the fire companies on the second Monday in April in each year, at the engine house, when they may nominate and recommend to the Common Council for appointment, one Chief Engineer, and a First, Second and Third Assistant Engineers; and the persons so nominated, when confirmed, shall be such officers for the term of one year and until their successors are appointed.

SEC. 240. The Secretary and Treasurer shall be appointed by the Executive Committee.

SEC. 241. The officers of the several companies shall be elected at their annual meeting, by a majority of those voting at such election, which shall be held on the days fixed by the By-Laws of said companies, or, if no time is so fixed, then upon the second Monday in January of each year. Said officers shall hold their respective offices for one year, unless sooner removed by the Common Council, on the petition of a majority of the members of the company; in which case, and in case of vacancy for any cause, the said company may fill said office at any regular meeting by a majority of the votes cast at such election.

SEC. 242. A vacancy in the office of Chief or Assistant Engineers may be filled by appointment of the Common Council, upon the nomination of the Executive Committee of the Fire Department.

SEC. 243. Whenever any person shall refuse to obey any lawful order of any Engineer, Assistant Engineer, Fire Warden, Foreman of any Fire company, Mayor or Alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the Chief of Police or any Constable, Policeman or Watchman of said City to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer, or any of them may arrest, or direct the arrest and confinement of any person at said fire who shall be intoxicated or disorderly. And any person at a fire who shall refuse to obey any lawful order of any Chief or Assistant Engineer, Fire Warden, Foreman, Mayor or Alderman who shall refuse to aid in arresting any person so refusing, shall upon conviction thereof, be fined in a sum not less than one nor more than fifteen dollars, and costs of prosecution; and in default of payment of any judgment rendered for such fine and costs shall be imprisoned in the City lock-up not more than ten days.

SEC. 244. It shall be the duty of all persons to aid in the extinguishment of fires in the City of Berlin, and in the preservation of property thereat, when ordered by the Chief Engineer, Assistant En-

gineers, Mayor, Alderman, Fire Warden, Foreman or any Policeman; and any person refusing so to aid when so ordered, shall, on conviction thereof, pay a fine of not less than three nor more than fifteen dollars and costs of prosecution; and in default of payment of any judgment rendered for such fine and costs, or either, shall be imprisoned in the City lock-up not more than ten days.

SEC. 245. Whenever any person shall offer any resistance to any officer of the Fire Department, or any member thereof, when in the performance of his duty, or who shall wilfully in any manner injure, deface or destroy any engine or fire apparatus belonging to the City of Berlin, such person shall pay as a penalty, upon conviction thereof, a fine of not less than ten dollars nor more than fifty dollars and costs of prosecution; and in default of payment of any judgment rendered for such fine and costs, or either, shall be imprisoned in the City lock-up not more than forty days.

SEC. 246 The Chief and Assistant Engineers heretofore appointed or confirmed by the Common Council, shall hold these offices respectively until the second Monday in April next.

SEC. 247. It shall be lawful for the Chief Engineer and the Assistant Engineers to require the aid of any Drayman, with his horse and dray, and any citizen, inhabitant, or by-stander in drawing or conveying any fire engine, or other fire apparatus, to the fire, and in working and using the same while at a fire, and on the refusal or neglect to comply with such requisition the offender shall for every default pay a fine of not less than one dollar, nor more than ten dollars.

SEC. 248. Any person who shall offer any hindrance to any officer or fireman in the performance of his duty, at a fire, or shall wilfully, in any manner, injure, deface or destroy any fire apparatus belonging to the City, shall pay a fine of not less than ten dollars for each offense.

SEC. 249. No hose carriage, or hook and ladder carriage, or engine, shall be drawn faster than a walk on its return from a fire, or an alarm of fire; nor shall any such carriage or engine be drawn to a fire or alarm of fire, in a manner calculated to endanger the safety of persons or property in the streets or alleys of said City, under the penalty of not less than two dollars nor more than ten dollars to be paid by the person or persons committing the offense.

SEC. 250. No wagon or other vehicle, shall be driven over any unprotected hose of the Fire Department, of this City, when laid down on any street or alley to be used at any fire, or alarm of fire, without the consent of the Chief Engineer, or the Assistant in command, and any person violating this section, shall pay a fine of not

less than ten dollars, nor more than one hundred dollars for each offense.

SEC. 251. The Chief Engineer shall procure and cause to be carried with each hose cart at every alarm of fire, efficient protectors, which shall be laid down when said hose is laid on any street or alley in such manner as to protect said hose from injury when vehicles are driven over the same and he shall also cause all such hose to be taken up when no longer needed for use.

ARTICLE VI.—FIRE WARDEN, HIS POWER AND DUTIES.

SECTION 252. The Common Council of said City shall, at its first meeting in April of each year, appoint for said City a Fire Warden, who shall reside in said City.

SEC. 253. It shall be the duty of said Fire Warden at least twice in each year, to-wit: in the months of May and November, and as much oftener as he may deem proper, between sunrise and sunset, to enter any building, yard or premises in his said district, and examine the fire-place, hearths, stoves, ovens, chimneys, arches, boilers smoke-houses or other apparatus likely to cause fire; also the place of depositing ashes, gun powder or other combustible materials, and the said Fire Warden shall give such directions in regard to the several articles as he may deem expedient, either as to the removal, alteration, or the better care and management thereof, which directions shall be obeyed and complied with by the person or persons directed in that behalf, and at their expense.

SEC. 254. If any person or persons shall refuse or neglect to comlpy with the directions of any such Fire Wardens, or shall obstruct or hinder him in the performance of his official duty, the person so offending shall forfeit and pay to the City of Berlin for every day he may obstruct, hinder, or neglect to comply with such directions, the sum of five dollars; and all expenses of carrying into effect the direction of any Fire Warden shall in the first instance be paid by the occupant of the premises, and may by him be deducted from the rent payable by him, her or them, unless such directions were rendered necessary by the act or default of the said occupant, or there be a special agreement between the Landlord and the said occupant to the contrary; and it shall be the duty of the said Fire Warden to ascertain whether or not their directions are duly complied with, and in case of non-compliance, or in case of any violation of this ordinance, to report the names of the offenders, with the particular circumstances, to the Common Council, who may thereupon cause such offenders to be prosecuted for the recovery of the penalties incurred by them.

SEC. 255. No person shall set off any fire-works or build any bonfire within one block of Huron or Broadway streets, or within one

hundred feet of any building, and no person shall build any fire upon any lot or on any street and leave the same uncared for, under a penalty of three dollars for each offense.

SEC. 256. No pipe of any stove shall be put up in any house or other building in this City unless it is conducted into a chimney made of brick or stone, without first obtaining consent of the Fire Warden of the district in which said building is situated, nor shall any person at at any time set fire to any chimney for the purpose of cleaning the same, without first obtaining the consent of the said Fire Warden And it shall not be lawful to conduct any stovepipe through any partition, floor or wood-work of any building unless the same is securely fixedwith stone or brick-work, or in place thereof a tin or earthen tube or safe, so called, or other metallic fixture; and any person offending against any provision of this section shall forfeit as a penalty the sum of three dollars, and the further penalty of three dollars for every twenty-four hours that the violation shall continue after having been notified by the Fire Warden of the proper district to discontinue such violation.

SEC. 257. Every chimney hereafter erected within the limits of the City of Berlin shall be plastered on the inside with lime and sand morter at the time it is erected, under a penalty of twenty-five dollars, to be collected either of the person or persons for whom such chimney is built, or of the person or persons erecting the same.

ARTICLE VII.—FIRE ARMS, FIRE WORKS AND CANNONS.

SECTION 258. Any person who shall fire or discharge any gun, pistol, fowling piece, or other fire arm, within the limits of the City of Berlin except in the necessary defense of his person or property, shall pay a fine of not less than one dollar, nor more than ten dollars for each offense.

SEC. 259. Any person who shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm within this City, shall pay a fine of not less than five dollars, nor more than twenty-five dollars for each such offense.

SEC. 260. Any person who shall fire, discharge or set off within the limits of the City of Berlin, any rocket, cracker, torpedo, squib or other fire works or thing containing any substance of explosive nature, shall pay a fine of not less than one dollar nor more than ten dollars for each such offense. Provided that the Mayor may by proclamation permit the use of fire works on the Fourth day of July and on such other days as he may deem proper.

SEC. 261. Any person who shall discharge, or fire off any cannon, or piece of artillery in any street, or avenue, alley, park or place,

within the corporate limits of this City, without a written permission from the Mayor, shall pay a fine of not less than ten dollars, nor more than thirty dollars for each such offense.

ARTICLE VIII.—PARKS AND PUBLIC GROUNDS.

SECTION 262. Neither cattle, horses, goats, or swine or other animals shall be turned by any person into any of the parks of this City.

SEC. 263. All persons are forbidden to carry fire arms, or to throw stones or other missils within anyone of the public parks of this City. All persons are forbidden to cut, break or in any way injure or deface the trees, shrubs, plants, turf or any building, fences, monuments or other constructions or property, within or upon, any of the parks of this City.

SEC. 264. No person shall expose any article for sale upon any of the said parks nor shall any hawking or peddling be permitted therein.

SEC. 265. No threatening, abusive, insulting or indecent language shall be allowed in any part of either of the said parks whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes, or play any game of chance at or with any table or instrument of gaming, nor to do any obscene or indecent act therein.

SEC. 266. No person other than employers shall light, make or use any fire therein.

SEC. 267. Any person who shall violate any, or either of the provisions of this article or any section or clause, or any provision of any section thereof, or who shall neglect, or fail, or refuse to comply with any or either of the requirements thereof, shall on conviction pay a fine of not less than five dollars nor more than thirty dollars.

ARTICLE IX.—STREETS.

SEC. 268. No person shall injure or tear up any pavement, side or cross walk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street, alley, or public ground in the City of Berlin, without having first obtained permission from the Common Council, or unless done under lawful authority from the City of Berlin, under the penalty for each offense of not less than five dollars nor more than fifty dollars.

SEC. 269. Any person, company or corporation, who shall incumber or obstruct, or cause to be encumbered or obstructed any street, alley, public landing or other public place in said City, by placing therein or thereon, any building materials, or any article or thing whatsoever, without having first obtained written permission from the Mayor, shall be subject to a penalty of not less than five dollars, nor more than fifty dollars for each offense and further penalty of one dollar for each day such incumbrance or obstruction shall continue.

SEC. 270. The streets, alleys and sidewalks in the City of Berlin shall be kept free and clear from all obstructions, incumbrances and encroachments for the use of the public, and shall not be used or occupied in any other way than is provided in this article.

SEC. 271. The Mayor is hereby authorized to order any article or thing whatsoever which may incumber any street, alley, public landing wharf or pier, within said City to be removed, if such article or thing shall not be removed within six hours after notice to the owner or person in charge thereof to remove the same, or if the owner can not be found for the purpose of such notice, he shall cause the same to be removed to some suitable place, to be designated by the Mayor; and the owner of any article so removed, shall forfeit and pay a fine of not less than one dollar nor more than ten dollars for each such offense.

SEC. 272. No wagon, sleigh, sled, carriage, railway carriage, or vehicle of any kind or description, or any part of the same, without horses or other beasts of burden, shall be permitted to remain or stand, in any improved street in this City for more than one hour, except for the purpose of being repaired, and then only in front of the premises of the person so repairing, and within ten feet of the curbing or sidewalk. Any person who shall violate any provision of this section shall pay a fine of not more than ten dollars nor less than five dollars for each offense.

SEC. 273. Any person who shall erect or place any building, in whole, or in part, upon any street, alley, sidewalk or other public ground, within this City, shall pay a fine of not less than five dollars nor more than fifty dollars for each such offense, and all such buildings or parts of buildings so erected or placed upon any street, alley, sidewalk or public ground are hereby declared to be a nuisance.

SEC. 274. Whenever, from any cause, any street or alley in this City shall be obstructed from a press of teams attached to vehicles loaded or otherwise, the Mayor, any Alderman, or Police officer, may give such directions in regard to removal of such vehicles or teams as in the opinion of such officer may be required by the public convenience. And any person or persons refusing to obey such directions shall pay a fine of not less than one dollar nor more than ten dollars for each such offense.

SEC. 275. Any contractor, or other person or persons causing any cart, wagon or other vehicle to be loaded and heaped up with manure, sand, earth, mud, clay, stones or rubbish, so that the contents, or any part thereof, shall be scattered in any street, avenue or other public place in the City, shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 276. Any person having the use of any portion of a street or sidewalk for the purpose or erecting or repairing any building, or for any other purpose, shall cause two red lights to be placed in a conspicious place in front of such obstruction and at either end of the same from dusk until sunrise each night, during the time such obstruction shall remain.

SEC. 277. The names of all streets shall be placed on all street corners and shall whenever there are street lamps at the corners of the streets be painted on such street lamps or on tin, glass or metallic strips or plates and firmly attached to said lamps or lamp posts.

SEC. 278. It shall be the duty of every person or persons engaged in digging down any street, building any sewer, or drain, or trench for water pipes in any of the public streets, or avenues under contract with this City, or by virtue of any permission which may have been granted to them by the Common Council, where such work if left exposed will be dangerous to passengers, to erect a fence or railing at such excavation, or work, in such a manner as to render the same safe to passengers, who may be travelling such streets, alleys, avenues and roads and to continue and uphold the said railing or fence until the work shall have been completed, or the obstruction or danger removed, and it shall also be the duty of such person or persons to place upon such railing or fence, at twilight in the evening, suitable and sufficient lights, and keep them burning through the night during the performance of said work, and any person who shall violate any provision of this section shall pay a fine of not less than five dollars nor more than one hundred dollars for each offense.

SEC. 279. The provisions of the preceding section shall also apply to every person who shall place building material in any of the public streets, or avenues, or be engaged in building any vault, or constructing any lateral drain from any cellar to a public sewer, or who shall do or perform any work causing any obstruction in the public streets, by virtue of any permit from the Common Council, or from any officer or officers; and also to all public or corporation officers engaged in performing any work in behalf of the City whereby obstructions or excavations shall be made in the public streets.

SEC. 280. In all cases where any person, or persons, shall perform any work mentioned in the preceding sections either under contract with the City, or by virtue of permission obtained from the Mayor, and Common Council or from any officer or officers of the City having authority, such person or persons, shall be answerable for any and every damage which may be occasioned to persons, or animals, or property, by reason of carelessness connected with the said work.

SEC. 281. It shall be the duty of the officers of the City who shall have charge of the particular class of improvements mentioned in this article to see that the requirements hereof in regard to the erection of fences and placing lights, in all cases be complied with.

SEC. 282. Any person who shall coast or slide upon, or with, a sled, sleigh, toboggan, or otherwise, upon, over, or along any street, alley, sidewalk or other public place in this City shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 283. Any person who shall play at the game of ball, by pitching, throwing, or batting a ball in any of the streets, alleys or publ c places in this City shall pay a fine of not less than one dollar nor more than five dollars for each offense.

ARTICLE X—SIDEWALKS.

SEC. 284. All sidewalks which shall hereafter be ordered by the Common Council, shall be constructed under the superintendence, and to the satisfaction of the committee on sidewalks and bridges, and shall be of the width herein specified, unless a different width shall be specified in the order, to wit: On Huron and Broadway streets, from State street to Brooklyn street, the same shall be ten feet wide, and on all other streets and on said Huron and Broadway streets except as above stated the same shall be five feet four inches in width. All such sidewalks shall unless otherwise ordered by the Common Council, be constructed of good pine, or hemlock plank, two inches thick, laid down and nailed crosswise upon three stringers not less than two inches by four inches square, except upon sidewalks required to be ten feet in width said p'ank shall be laid down and nailed to not less than four stringers to be not less than four inches square.

SEC. 285. The grades for sidewalks on the several streets and alleys in the City shall be given by said commitee of the Common Council on sidewalks and bridges, until a permanent grade shall be established by the Common Council. If any person shall build, or assist in building, any sidewalk where no grade has been established, without first obtaining a grade therefor from said committee of the Common Council, or contrary to any grade which may be obtained from said committee, or shall build or assist in building any sidewalk contrary to any grade which may have been, or may be established by the Common Council, or contrary to any of the provisions of this article, he shall, in either case, be subject to a penalty of five dollars for each offense, and to a like penalty for every day he shall fail to remove or reconstruct the same after a notice by the said committee on sidewalks and bridges to remove or reconstruct the same.

SEC. 286. Sidewalks shall be constructed so as to incline upwards from the outer edge of the sidewalk toward the buildings or boundary of the lot, at the rate of one inch in three feet, and no part of said sidewalk shall be taken for private use by lowering or cutting down the same next to the building, or railing off the same by any wooden or iron railing, or by shutting off the public from passing along or over the same, and said sidewalks shall not be raised up next to the building by constructing a platform or platforms on the same of either wood, iron, or stone, but said sidewalk shall be built flush up to the building or boundary line on a uniform grade as herein provided. Entrances to areas and basements and flights of stairs or steps may be made which shall not extend into or onto the sidewalk more than two feet next to the building, and the width of the steps, stairs, or entrance to areas and basements in sidewalks shall not be more than four feet, said steps, stairs, or entrances shall be securely protected, and no open space next to the building other than entrance ways to areas and basements forming a part of the sidewalk shall be allowed.

SEC. 287. No person shall insert any smooth piece of glass in any sidewalk for any purpose whatever.

SEC. 288. No part or portion of any sidewalk where the grade has been established shall be laid or relaid at any different grade or any other level than the adjacent portions of such sidewalk, and for every violation of this section, there is hereby imposed upon the person violating the same a penalty of not less than five nor more than twenty dollars, and he shall also alter said sidewalk so as to make the same conform to the established grade, and in case he neglects and refuses so to do within a reasonable time, it shall be lawful, for the said committee on sidewalks and bridges to require the Street Commissioner of said City to alter the same, and the costs and expenses of the same shall be paid by such owner and the same shall be levied as a tax against the land along which such sidewalk passes.

SEC. 289. No person shall extend or build any sidewalk beyond the established width, and on all streets where courts or open spaces are allowed for planting trees or for grass plats, the same shall not be covered with plank, except such parts and portions of said space as may be allowed to be used for coal vaults.

SEC. 290. No person shall be allowed to occupy or use for vaults areas or other purposes the space beneath the sidewalks included within the sidewalk lines of any street or alley in said City, unless a permit therefor shall first have been obtained from the Common Council; such permits to be issued and to continue only upon the condition that the party receiving the same shall as compensation for the privilege granted by said permit, build, maintain, and keep in repair

a sidewalk over such space intended to be used for vaults, areas or other purposes; such sidewalks to be built of the materials and constructed in the manner particularly specified in such permit.

SEC. 291. Such permits shall specify in general terms the purposes for which the spaces under the sidewalks shall be used, and shall also contain a condition that upon the failure to construct maintain and repair such sidewalk in accordance with any order that may from time to time be given by said committee on sidewalks and bridges, or by the Common Council, the permit may be declared annulled by the Common Council and that all rights and privileges under such permits shall cease from the time such permits shall be declared annulled.

SEC. 292. No permit shall be granted for the permanent use and occupancy of so much space under the sidewalks at the corners of streets as may be necessary for hydrants, lamp posts, or for access to the same, and such spaces shall be specified and reserved in all cases for the use of the City whenever the City may require the same for any purpose.

SEC. 293. Any owner, builder, or other person who shall in violation of this article, occupy or use any part of a public street beneath or under any such sidewalk, or included within the sidewalk lines, or if there be no such sidewalk, shall occupy or use below the grades such parts thereof as comes within the sidewalk lines of such street, without a permit first had and obtained as provided in this article, shall be liable to a fine of five dollars for the first offense and to a like fine for every twenty four hours such occupation or use shall continue without such permit.

SEC. 294. Every opening in any vault or coal hole or aperture in the sidewalk over said coal hole or vault, shall be covered with a substantial iron plate with a rough surface to prevent accidents, and the entire construction of said coal holes or vaults shall be subject to the directions and supervision of the said committee on sidewalks and oridges, or such other person as the Common Council may designate.

SEC 295. The owner and tenant of the abutting estate, in front of which the coal hole or vault is thus permitted to be constructed, shall be held responsible to the City for any and all damages to persons or property in consequence of any defect in the construction of such vault or coal hole, or for allowing the same or any portion thereof to remain out of repair, and such owner and tenant shall be required to keep the said vault or coal hole its walls and coverings in good order at all times.

SEC. 296. The occupant of any estate abutting on such vault or coal hole shall be held responsible to the City for any and all damages occasioned to persons or property in consequence of the aperture in the sidewalk being left exposed and uncovered, or from the covering thereof being left insecure or unfastened; and such occupant shall keep such coal hole or vault cover in good order, and safe for public travel over the same.

SEC. 297. No person shall remove or insecurely fix, or cause to procure or suffer or permit to be removed or insecurely fixed, so that the same can be moved in its bed, any grate or covering of any coal hole, vault, or chute under any street, sidewalk or other public place under the penalty of not less than five dollars for each such offense; provided, that nothing herein contained shall prevent the owner or occupant of the building with which such shall be connected from removing such grate or covering for the proper purpose of such coal hole, vault or chute, provided he inclose such opening or aperture and keep the same inclosed while such grate or covering shall be removed with a strong box or curb at least twelve inches high firmly and securely made, and provided further that he shall not remove such grate or covering until after sun rise of any day, and shall replace such grate or covering before sunset.

SEC. 298. No boiler, steam shaft, furnace, or steam pipe, or cess pool, shall be constructed or located for use, and no explosive substance or inflamable oil or substance shall be stored or kept for any purpose under any sidewalk in this City, and no excavation when permitted shall be ventilated into the streets, unless the aperture or opening or ventilating hole shall be securely covered as herein provided.

SEC. 299. Whenever any coal hole or vault under any sidewalk, or any aperture constructed therein, is not covered or secured as here in provided, or in the opinion of the said committee on sidewalks and bridges is unsafe or inconvenient for the public travel, said commit tee may order the same to be removed and a suitable one put in its place, and if the same shall not be done within two days after the service of said order on the owner or tenant of the premises or the person having the care thereof, the Street Commissioner by direction of said committee may make such change, and the expense thereo· shall be paid by such owner, tenant or other person having the care of the premises or upon their failure so to do the same shall be assessed and levied as a tax against the lot or parcels of land in front of which said coal hole or vault may be. And no person shall leave such coal hole, excavation, or aperture, opened or unfastened after sunset, nor in the day time unless while in use by some person or persons actually attending the same.

SEC. 300. Whenever the owner or occupant of real estate in the City of Berlin shall be notified by the committee on sidewalks and bridges, of the Common Council, to raise, lower, repair or relay any side walk or to raise, lower, repair, or cleanse any private drain in front of adjacent to or upon any premises owned or occupied by him, it shall be the duty of any such owner or occupant to cause the said improvement to be made in the manner and within the time prescribed by said committee of the Common Council. If such owner or occupant shall neglect or refuse to comply with any such requirement, he shall be subject to a penalty of not less than one dollar nor more than five dollars for each day's neglect. And in the event such owner or occupant neglects or refuses to comply with such notice and requirement of said committee for five days, then said committee may cause the same to be done by the Street Commissioner of the City of Berlin, under their direction, and the expense thereof shall be assessed, levied, and collected as a tax against the lot, piece or parcel of land upon which said sidewalk or drain may be, or upon which the same may abut, or to which it adjoins.

SEC. 301. Hereafter no person shall construct or place, or cause to be constructed or placed, any portico, porch, door, window, or step which shall project into or over any street or sidewalk in such manner as to obstruct free passage along the same under a penalty of not less than three dollars nor more than twenty five dollars for each offense, and a like penalty for every day that the said portico, porch, window, or step may be continued as aforesaid.

SEC. 302. No street, alley or sidewalk shall be used for the storage of goods, wares, or merchandise of any kind or description whatever, and which shall occupy a greater space than three feet next the building or boundary line fronting upon or forming the boundary line of any street or alley; and if any person shall place or cause to be placed in or upon any street or alley or sidewalk, any barrel, box, hogshead, crate, package, or any matter or thing whatever which shall take up more or any other space than three feet next to such building or boundary line, and shall suffer the same to remain therein or thereon for more than six hours, he shall pay a fine of not less than one dollar nor more than five dollars, and any Policeman or public officer shall be empowered to cause the same to be removed at the expense of the party placing the same there, and such party shall also pay a fine of one dollar an hour for each and every hour that such goods, wares, merchandise, matter or thing remains there after the expiration of six hours.

SEC. 303. All awnings hereafter erected shall be elevated at least eight feet at the lowest part thereof above the top of the sidewalk, and shall not project over the sidewalk to exceed three-fourths

of the width thereof; they shall be supported without posts by iron brackets or by an iron frame work attached firmly to the building, so as to leave the sidewalk wholly unobstructed thereby. All awnings heretofore erected in a different manner shall be removed in a reasonable time after notice as hereinafter provided. If any person shall erect any awning contrary to the provisions hereof, or shall refuse or neglect to remove the same forthwith after notice in writing given to him by the committee on sidewalks and bridges, or if any person shall fail to remove any awnings heretofore constructed in a different manner than provided herein, within a reasonable time after notice in writing given to him by said committee, he shall pay a fine of one dollar for every such offense and a further penalty of one dollar for every day he shall fail to comply with such notice after a lapse of five days from the service thereof.

SEC. 304. No person shall at any time fasten any horse or horses in such a way that the horse, vehicle, reines or lines, shall be an obstacle to the free use of the sidewalk, under a penalty of one dollar for each offense, and the person in whose possession or use such horse or horses shall then be shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be prosecuted.

SEC. 305. It shall be the duty of the owners of each building in front of which any sidewalk is now or shall hereafter be constructed, to provide and securely fasten in such sidewalk, one iron ring of not less than two inches in diameter and one quarter of an inch in thickness, or erect a suitable post for hitching at some point in every twenty five feet of such sidewalk. Every person who shall wilfully violate or neglect to comply with the provisions of this section shall pay a fine of not less than one dollar nor more than five dollars for every offense.

SEC. 306. Any person who shall keep or leave open any cellar door, or grating of any vault on any highway or sidewalk, or suffer the same to be left or kept open, or who shall suffer any sidewalk in front of his premises to become or continue so broken or defective as to endanger life or limb, shall pay a fine of not less than one dollar nor more than twenty five dollars in every case It shall be the duty of all Policemen to take note of all defects in sidewalks, and when out of repair, notify owners or occupants of the premises in front of which said sidewalks are, and also report the same to the committee on sidewalks and bridges of this City, and see to the enforcement of this article.

SEC. 307. No person while receiving or delivering goods wares, or merchandise shall permit the same to remain on any sidewalk

longer than two hours and for this purpose he shall not occupy over four feet of the outer edge of the sidewalk in front of his store or building.

SEC. 308. No person shall push or draw back any horse wagon cart, or other vehicle over any sidewalk, or use ride or drive any horse, wagon, dray, sled, or sleigh, thereon, unless it be in crossing the same to go into a yard or lot where no other suitable crossing or means of access is provided, under a penalty of not less than one dollar nor more than five dollars for each offense.

SEC. 309. All cross walks in the City shall be kept free from any sleighs, wagons, drays, carts, or carriages, or horses or other animals being placed or suffered to stand thereon, except so far as may be necessary in crossing the same; and the owner or driver of any sleigh, wagon, dray, cart, carriage, or horse, or other animals, offending herein shall pay a fine of two dollars for each offense.

SEC. 310. No person shall lead, drive, or ride any horse or other animal, or drag any wheel or hand barrow, or saw any wood, or lay or place any wood, coal or other thing, or any woods, wares or merchandise or other article whatsoever, upon any foot path or sidewalk in this City under a penalty of not less than one dollar nor more than five dollars for each offense. But this section shall not prevent horses being driven along sidewalks to remove snow therefrom nor prevent any person from receiving or delivering goods wares and merchandise over such sidewalks as hereinbefore provided.

SEC. 311. No owner or occupant of any store or house shall permit or suffer any cart, dray, or other wheel carriage to be driven or otherwise to pass over or upon the foot path or sidewalk in front or opposite such house or store for the purpose of unloading or loading such cart, dray, or other wheel carriage, or for any other purpose whatever under a penaty of two dollars for each offense.

SEC. 312. If any drayman, cartman, or other person shall break or otherwise injure any footpath or sidewalk in this City, he shall within twenty four hours thereafter cause the same to be well and sufficiently repaired and mended, and in case of his failure so to do he shall pay a fine of two dollars for each offense.

SEC. 313. The Mayor, Aldermen, or any public officer of this City are authorized to cause any obstruction, encroachment, article or thing which may be in violation of the provisions of this article to to be removed within a reasonable time after notice served upon the owner, agent, or person in possession of the premises where such violation occurs, or in case the owner, agent or person in possession can not be found, then by posting such notice upon the premises or sidewalk in front thereof, and the owner, agent, or party causing such vio-

lation shall pay all expenses and costs of such removal in addition to the penalties aforesaid and any person who shall wrongfully interfere with such removal shall suffer a penalty of not less than five dollars nor more than fifty dollars in the discretion of the court before whom said person is convicted.

SEC. 314. Every owner or occupant of any house or other building, and the owner or proprietor, lessee or person entitled to the possession of any vacant lot, or parcel of land, and every person having in charge any church, jail, public hall or public building in this City, shall during the winter season and during the time snow shall continue on the ground, by nine o'clock on every morning when necessary.clear the sidewalks in front of such house or other building and in front of such lot from snow and ice, and keep them conveniently free therefrom during the day; or shall in case the snow and ice are so congealed that they cannot be removed without injury to the sidewalk, cause the said snow and ice to be strewn with ashes or salt; and shall also at all times, keep such sidewalks clear and free from all dirt, filth or other obstructions or incumbrances so as to allow citizens to use the said sidewalk in an easy and commodious manner; and every person neglecting or refusing to comply with any of the provisions of this section, shall pay a fine of not less than one dollar nor more than ten dollars for each neglect or refusal.

SEC. 315. It shall be the duty of all Policeman to report to the City Attorney any accident which may come to their knowledge, occasioned by a defect in any sidewalk, or which may occur upon any street in said City with the names of any witnesses to the accident known to them.

ARTICLE XI.—SIGNS.

SECTION. 316. No person shall place or cause to be placed, or suspend or cause to be suspended, from any house, shop, store, lot or place, over or into any street or sidewalk, any goods, wares or merchandise whatever, or signs or any other thing, so that the same shall project from the wall or front of said house, shop, lot or place, more than three feet towards or into the street or over the sidewalk.

SEC. 317. Signs securely fastened may be suspended over the sidewalks not exceeding three feet, at a height above the sidewalk not less than nine feet, and no sign, show bill, lantern or show board which at its lowest part is less than nine feet in height above the sidewalk, shall project into any street more than three feet, under a penalty of not less than one dollar nor more than five dollars for each offense, and a like penalty for every day such sign, show board or other thing may be continued or remain after an order to remove the same given by any Policeman or public officer of this City to remove the same.

SEC. 318. No clothing, goods, wares, merchandise, signs, boxes, poles or other article or thing, shall be placed in front of any store, shop or other place in said City, or on or above the sidewalk, so as to occupy more than three feet next to the buildings or premises on such sidewalk; and when placed on the sidewalk such articles shall not be more than four feet high above the top of the sidewalk. And when placed or suspended above the top of the sidewalk, shall be so placed or hung that the lowest part of such articles shall be at least eight feet above the top of the sidewalk, and shall not swing more than three feet from the building or boundary line of the lot. Barbers' poles may be constructed six feet in height but shall be placed within three feet of the building or boundary line of the lot.

SEC. 319. It shall be lawful for any person to erect a lamp post opposite his or her house, store or place of business, with such lettering or device as such person may think proper, in a line with those erected by the City near the curb line; provided, said lamps and lamp posts shall not be less in size than those erected by the City, and the lamps or illuminated sign placed thereon shall not be more than three feet wide, and the posts shall be erected of the same height and in the same manner and of the same material as those now used by the City for lighting purposes.

SEC. 320. All lamps or lamp posts which have been heretofore erected and used as signs, which shall be made to conform to the requirements of this article may be allowed to remain, subject however to be removed at any time at the expense of the owner thereof or the occupant of the premises whenever the Mayor or Common Council of the City shall order the same.

SEC. 321. No sign or other posts except awnings and lamp posts as herein provided, shall be erected or placed on or upon any sidewalk or street or other public way within the City limits, or if heretofore erected or placed shall be permitted to remain on or upon or over any sidewalk or street or public way, under a penalty of five dollars, and a like penalty for every day such post sign or other thing, shall be allowed to remain after notice to the owner or occupant of the premises from the Mayor or Common Council of this City to remove the same; but nothing herein contained shall prevent the erection of posts in front of each building for the purpose of hitching horses; every such post as erected shall not be more than eight inches nor less than six inches in diameter, and not to exceed four feet in height, and shall be placed in a line within the outer edge of the sidewalk.

SEC. 322. No person or persons shall, within the limits of the City of Berlin, post or paint an advertisement upon any private wall, door, gate, tree or fence without consent first obtained of the owner of such wall, door, gate tree or fence, or upon any curb stone, flagging,

gutter stone, sidewalk, lamp post, hitching post, gateway, telegraph poles, fire plugs, hydrant wooden or iron railing or fence, or any public amusement or lottery, or notices of a general public character or any advertisement whatever, without the previous written permission of the Mayor, any person violating any of the provisions of this section shall pay a fine of two dollars for each and every offense.

SEC. 323. Whoever shall violate any of the provisions of this article, where a specific fine has not been provided for, shall upon conviction thereof, pay a fine of not less than one dollar nor more than ten dollars for each and every offense.

SEC. 324. It shall be the duty of the Chief of Police to see to the enforcement of each and all of the provisions of this article, and each and every Policeman of the City shall, whenever there is any obstruction in any street or alley or sidewalk endeavor to remove the same, and in case such obstruction shall be of such a character that the same can not readily be removed then said Policeman shall report the same to the Mayor of the City who is hereby authorized to remove the same.

ARTICLE XII.—MARKETS

SEC. 325. No person shall between the first day of May and the first day of November in any year, bring in to or place or suffer or permit to be brought in to or place in any market or stall, in this City any untried fat, commonly called "Gut Fat" nor at any time or season the heads, shanks, or feet of any animal unless the same be skinned or properly cleaned, nor any green hides, or skins of any kind, except the hides of calves, under the penalty of not less than one dollar nor more than five dollars for each offense.

SEC. 326. Every butcher or other person shall keep his cellar and stall neat and free from filth of all kinds under penalty of a fine of not less than one dollar nor more than five dollars, and members of the Board of Health of this City shall at all times have free access to any such cellars or stalls and any person who shall refuse to allow or shall prevent such free access, shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 327. Any butcher or other person who shall sweep or deposite any dirt or filth of any description in or upon the Public passageway or ways in such Market stall or cellar or in or upon the Market grounds or streets adjacent to said Market, stall or cellar, shall pay a fine of not less than one dollar nor more than fifty dollars.

SEC. 328. Any person who shall kill or dress any animal in or near any market, or who shall throw or permit any brine, bones, filth, slops, offall, water or other liquid or other substances to be thrown out of the doors or windows or around or near any market house, or

stall, except in places which shall be provided for the purpose, shall pay a fine of not less than one dollar nor more than five dollars.

SEC. 329. The word butcher, wherever used in this article is hereby defined to mean a vendor of meats.

ARTICLE XIII.—BREAD.

SEC. 330. All bread baked and offered and exposed for sale in the City of Berlin shall be made of good wholesome flour or meal and be sold by avoirdupois.

SEC. 331. All bread shall be made into loaves of one and a half, two, two and a half or three pounds, Avoirdupois weight, and the numbers indicating the weight of said loaf, and the initial letters of the name of the baker thereon.

SEC. 332. If any baker or other person shall make for sale, offer or procure to be sold, any bread of any other than wholesome flour or meal, or shall sell, or expose for sale, any bread contrary to the preceeding section of this article, such person shall be subject to a penalty of not less than one dollar nor more than ten dollars for each and every such offense.

SEC. 333. It shall be lawful for any Alderman of the City, the Chief of Police, or any member of the Department of the Police, duly authotized by the Chief of Police, to enter, in the day time, into any house, store, shop, bake house, warehouse or other building, where any bread is baked, stored or deposited, or offered for sale, and also to stop, detain and examine, any person or persons, wagon or other vehicle carrying bread, to search for, view, try, and weigh, all or any bread that shall be there found; and if, on any such search there shall be found any bread made in violation of, or contrary to any of the provisions of this article, any of the persons above named may seize such bread, and shall immediately enter complaint before some Justice of the Peace against the person or persons guilty of such violation.

SEC. 334. Whenever any bread shall have been seized for a violation of any of the provisions of this article, the same shall be immediately taken to the office of the Chief of Police and there deposited and kept, to be used on the trial of the person or persons against whom complaint is made; and if he, she, or they shall be convicted, such bread shall be retained by the Chief of Police until the fine, if any shall have been imposed, and the cost of suit shall have been satisfied, provided, that bread made of unwholesome materials shall not in any case be returned to the owner, but shall be destroyed.

SEC. 335. Any person or persons to whom any such bread shall have been returned and delivered up, or any person who shall again

offer or expose the same for sale, shall for the second and every subsequent offense pay a fine of not less than twenty dollars.

SEC. 336. The provisions of section 331 of this article shall not apply to biscuits, bunns, rolls or fancy bread weighing less than a quarter of a pound.

ARTICLE XIV.—COAL.

SEC. 337. In the sale of coal the hundred weight shall consist of one hundred pounds Avoirdupois and twenty such hundred weight shall constitute a ton.

SEC. 338. Any person or persons engaged in the business of selling coal in the City of Berlin to be delivered in said City shall deliver to the purchaser at the time of the delivery of the coal purchased, a certificate, signed by a City weigher, showing the weight of the coal so delivered and the weight of the wagon, cart, or sleigh.

SEC. 339. Any person violating any of the provisions of this article, or who shall deliver to any purchaser a less quantity, than two thousand pounds of coal for each ton purchased, (or a porportionate amount for any part of a ton) or who shall practice any fraud, or deceit in the sale, or delivery of any coal purchased, to be delivered, in said City, as aforesaid, shall pay a fine of not less than one dollar, nor more than twenty dollars for each offense.

ARTICLE XV.—TREES.

SECTION 340. If any tree shall be suffered by the owner or occupant of the premises to grow in such a manner as to oostruct the reflection of public lamps, it shall be the duty of the Street Commissioner to notify the owner or occupant of the premises forthwith to trim the same in the manner to be specified in the notice.

SEC. 341. If any person shall refuse or neglect to comply with such notice, it shall be the duty of the said Street Commissioner to cause such trees to be trimmed, and the person so refusing or neglecting shall pay a fine of one dollar for each tree he was so notified, and refused or neglected, to trim.

SEC. 342. No person, other than the owner of abbutting property, shall cut down, destroy, break or in any way injure, any tree, or shrub, standing in any street or public place, except by permission of the Common Council, under the penalty of not less than two dollars for each offense.

SEC. 343. All trees kept maintained or cultivated in any of the streets or public places of the City shall have the boughs or branches cut or trimmed close to the trunk of the tree, at least nine feet above the ground; and it shall not be lawful to keep, maintain, or cultivate trees in any of the streets or public places in the City of Berlin, except in the manner provided in this section, under a penalty of not less than one dollar for each such offense.

ARTICLE XVI.—LIBRARY.

SECTION 344. Any person who shall wilfully or maliciously cut, write upon, injure, deface, tear or destroy any book, newspaper, plate, picture or other thing of value belonging to the District Library of said city shall pay a fine of not less than one dollar nor m ore than fifty dollars for each offense.

SEC. 345. Any person who shall fail to return any book belonging to the District Library of this City according to the requirements of the by laws duly made and adopted by the Board of Education of this City for the goverment of such Library shall pay a fine of not less than one dollar nor more than fifty dollars for each such offense.

ARTICLE XVII.—LAMPS.

SECTION 346. Any person who shall at any time light or extinguish or cause to be lighted or extinguished, any public lamp, unless he be authorized so to do by the Common Council, or by the person who is or shall hereafter be required to light and extinguish the same under his contract with the City, shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 347. Any person who shall break, mutilate or obstruct any of the public lamps in the City of Berlin shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 348. Any person who shall break, misplace or carry away any of the street-signs now or hereafter to be placed on any of the public lamps unless first authorized so to do by the Common Council shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 349. Any person who shall, without permission of the Common Council, take up, remove or carry away any public lamp post in the City of Berlin shall pay a fine of not less than five dollars nor more than thirty dollars for each offense.

Sec. 350. Any person who shall carelessly or maliciously break deface or in any way injure or destroy any public lamp or lamp post in this City or climb upon (except lawfully to light or extinguish a light therein or thereon,) or hitch any horse or other animal to any public lamp post, or hang or place any goods or merchandise thereon, or place any goods, boxes, wood or any other heavy material upon or against the same shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

ARTICLE XVIII.—ICE.

SECTION 351. No person shall sell or offer for sale any impure ice within the limits of the City; and all ice sold, offered or exposed for sale shall be sold by avoirdupois weight, except in such cases where it may be otherwise agreed upon between the buyer and seller.

SEC. 352. All sellers of ice at the time of the delivery thereof shall be provided with a suitable steel yard, balance, or other apparatus for weighing duly adjusted and sealed with which to weigh the quantity of ice sold if required by the buyer.

SEC. 353. It shall not be lawful for the owner or driver of any wagon used for the sale of ice in any of the streets, avenues or public places in the City of Berlin, to permit or allow the scale, balance steel yard or other aparatus thereon, or the beam to which it may be attached or other implements for handling ice, to project or hang outside or beyond the side or end of such wagon when in motion.

SEC. 354. Any person violating any provision of this article shall pay a fine of not less than one dollar nor more than five dollars, for each offense.

ARTICLE XIX—BRIDGES.

SECTION 355. Any person or persons who shall drive or attempt to drive any team, wagon, dray or other carriage, on or across the draw of any bridge in the City of Berlin, while the same is opening or shutting, or after the signal is given by the bridge tender for the opening thereof, and before the opening is begun, or who shall disobey, or resists the Tender thereof, in his efforts to keep and promote order and equal convience among those crossing the same, shall for every offense be fined in a sum not less than one dollar nor exceeding ten dollars.

SEC. 356. No person shall ride, lead or drive any wagon, carriage, dray, cart, or other vehicle or conveyance, nor any horse, mare, ox, or other animal, on or across any of the bridges within the limits of the City of Berlin, at a faster gait or pace than a common walk; and any person or persons who shall be guilty of a violation of this section, shall for each and every offense forfeit and pay to said City Berlin the sum of five dollars, to be recovered before any Court having jurisdiction.

SEC. 357. No person or persons shall drive or assist in driving on or across any of the bridges within the City of Berlin, to exceed eight head of cattle or horses, at any one time, in a drove, and any person violating the provisions of this section shall forfeit and pay, for each offense, a penalty of not less than one dollar nor more than ten dollars.

SEC. 358. If any person or persons shall unnecessarily or wilfully remain, or stop, with any team, or teams, horses, oxen, wagon, sleigh, sled, or any other vehicle whatever, upon any of the bridges within the City of Berlin, or in and upon the approaches to any such bridge, such person or persons shall, on conviction thereof, be fined in the sum of two dollars for each offense.

SEC. 359. It shall be the duty of all persons in charge of any wagon, dray, carriage, or vehicle of any kind, to keep to the right when crossing the bridges upon the Fox River within the City of Berlin.

SEC. 360. When a bridge has been opened and closed, the teams and vehicles in the following order to-wit: those occupying the street upon which the bridge is situated shall cross first, those occupying the cross streets, and upon the right hand side of the bridge, shall cross next, and those occupying the cross streets, and upon the left hand side of the bridge, shall cross next.

SEC. 361. No person shall cross or attempt to cross, or break into the line of teams or vehicles while crossing or attempting to cross any bridge, nor shall any person disobey or resist an officer in charge of any bridge or crossing within said City of Berlin, and whoever shall be guilty of violating any of the provisions of this, or either of the foregoing sections, shall be liable to a penalty of not less than one dollar nor more than ten dollars.

SEC. 362. No person or persons shall gather in assemblies or crowds on any of the bridges of the City of Berlin, or the approaches leading to the same, so as to obstruct in any manner the passage of foot passengers, teams, carriages or persons across the same, or be and remain upon any of the sidewalks or main passages of any of the bridges of the City of Berlin, nor upon the railings of the said bridges, longer than will be necessary to pass over the same, under a penalty of not less than one dollar nor more than five dollars for each offense.

SEC. 363. No band of Musicians shall play or beat time, or keep step with each other, while they or any procession or body of persons marching with them, or any portion thereon are upon or crossing any bridge in the City of Berlin under a penalty upon the leader or Director of such band of not less than five dollars nor more than twenty-five dollars for each offense.

SEC. 364. Whenever at any alarm of fire, any fire engine, hose cart or other apparatus shall approach any bridge, for the purpose of crossing the same towards such fire, the Bridge Tender shall, if such bridge is open close the same as soon as practicable; or if closed, and after the same is closed, keep it closed until such engine, hose cart or other fire apparatus shall have had an opportunity to pass over such bridge, notwithstanding that vessels may thereby be delayed, under a penalty for a failure to comply with this section of not less than ten dollars nor more than one hundred dollars.

SEC. 365. The Committee of the Common Council on side-

walks and bridges is hereby required to provide and maintain at the several bridges over the Fox River, in the best and most practicable manner, vessel signals as required by this article.

SEC. 366. Said signals shall be of material of red color for use in the day time and shall be of such size and so placed when elevated that they may be readi y seen up and down the river. The signal for the night time shall be a red lantern of such size and so placed and arranged when elevated as to be easily seen up and down the River and street.

SEC. 367. It shall be unlawful for the owner or owners, officer or officers or other person or persons in charge of any vessel or vessels navigating the Fox River or any part thereof, to attempt to pass any of the bridges over said Fox River in said City while said signal or signals are up or elevated, or to approach nearer than the end of the bridge protection of any of such bridges at such times, as that the same may be injured or damaged, or while said bridges or any of them may be opening or closing.

SEC. 368. Any Bridge Tender or other person or persons in charge of any bridge within the City, who shall violate any provision of this article shall be subject to a penalty of not less than five dollars nor more than twenty five dollars for each offense and upon conviction shall be removed from office.

SEC. 369. Any person or persons who shall violate any provisions of this article, where no other penalty is imposed, shall pay a fine of not less than five dollars nor more than twenty dollars for each offense.

ARTICLE XX.—POUNDS

SECTION. 370. No cattle, horses, mules, swine, sheep, geese, turkeys, ducks, chickens, or fowls of any kind shall be permitted to run at large in the City of Berlin, and any person being the owner or keeper of any such cattle, horses, mules, swine, sheep, geese, turkeys, ducks, chickens or other fowl who shall permit the same to run at large in this City shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 371. It shall be lawful for any person over eighteen years of age to take up any animal, animals, or fowl named in the preceeding section, running at large in this City and take or drive the same to the pound or place provided by the Common Council for that purpose, and for so doing he shall receive from the Chief of Police when collected, an impounding fee of fifty cents far each animal so impounded and five cents for each fowl so impounded.

SEC. 372. The Chief of Police of the City of Berlin shall be the keeper of the public pound, and it shall be his duty to take up and

impound any such animals or fowls known to him to be running at large within this city, and also to receive and safely keep in said pound all animals and fowls found running at large in said city and brought to said pound as provided in the next preceeding section to be impounded; and to enter in a register to be kept by him for that purpose, a description of each animal or fowl so impounded or received by him, and the name of the person impounding or delivering the same to be impounded, and he shall notify the owner of such animal or fowl, if known to him, of the impounding of such animal or fowl, and for every violation of any provision of this section, the person guilty of such violation shall pay a fine of not less than one dollar for each offense.

SEC. 373. There shall be charged for each animal impounded an impounding fee of fifty cents, and also fifty cents for each day or part of a day for providing sustenance for each animal impounded and five cents impounding fee for each fowl impounded and the further sum of five cents a day for providing sustenance for each fowl impounded.

SEC 374. The owner of any such animals or fowls so impounded may secure the release of such animals or fowls upon the payment to the Chief of Police of the impounding fee and charges for sustenance as provided in the preceding section, within three days after the same are so impounded. The Chief of Police shall retain therefrom said charges for such sustenance and also said impounding fee, if said animals or fowls shall have been impounded by him, and in case the same shall have been impounded by any other person he shall pay to such person the said impounding fee.

SEC. 375. Any such animal, animals, or fowls not released as before provided, shall be sold by the Chief of Police at public auction in this city. Notice of the time and place of such sale shall be given, in the case of horses, mules, or cattle, by publishing such notice in any newspaper published in this city, once in each week for three successive weeks before the day of sale, and in case of hogs, sheep, fowls, by posting up such notice in at least six public and conspicuous place in the city of Berlin at least six days prior to the day of sale and the Chief of Police shall receive for his services in selling five per cent of the purchase money, provided that his fee for the sale of any one animal or fowl shall not exceed two dollars.

SEC. 376. The money received at such sale, after deducting the impounding fee and charges for keeping the said animals or fowls and expenses for advertising, and fee for selling, shall forthwith be paid to the city treasurer who shall give his receipt for the same, and the Chief of Police shall immediately after such sale file a report thereof with the City Clerk describing the animals or fowls so

sold and the amount received for each one, and provided that in case said animals or fowls are impounded by any person except the Chief of Police, said impounding fee shall be forthwith paid to the person impounding the same.

SEC. 377. Any person who shall break open, or in any manner directly or indirectly aid or assist in, or counsel or advise the breaking open of the city pound, shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 378. Any person who shall obstruct hinder or prevent the apprehending or impounding of any animals or fowls found running at large in this city or rescue the same from the place where the same may be impounded or kept, shall pay a fine of not less than one dollar nor more than ten dollars for each such offense.

ARTICLE XXI.—HORSES.

SECTION 379. Any person who shall ride or drive any horse or horses or other animal in any street or alley in the city of Berlin, with greater speed than at the rate of six miles an hour, shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 380. Any person who shall, upon turning the corner of any street or crossing the intersection of any street in the city of Berlin, drive or ride any horse or horses or other animals with greater speed than at the rate of four miles an hour shall pay a fine of not less less than one dollar nor more than ten dollars for each offense.

SEC. 381. Any person who shall ride or drive any horse or horses or other animal in or through any alley in the city of Berlin or at the time of issuing from or quitting such alley, with a greater rate of speed than a walk, shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 382 Any person who shall suffer or permit any horse or horses to go loose or at large in any of the streets or alleys in the City of Berlin, shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 383. Any person who shall suffer or permit to go, or lead, or ride or drive, any horse upon any sidewalk in the City of Berlin, except in removing snow therefrom, shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 384. Any person who shall run or race any horse in any public street, road, or avenue in the City of Berlin, or shall consent to or suffer any such racing shall pay a fine of not less than one dollar nor more than ten dollars for each offense.

SEC. 385. The last preceding section of this article shall be construed to prevent and punish the running, racing, or trotting of any

horse or horses for any trial of speed or for the purpose of passing any other horse or horses whether the same shall be founded upon any stake bet or otherwise.

SEC. 386. Any person who shall show or expose for sale at auction any horse or other animal in any street, alley or avenue in the City of Berlin, shall pay a fine of not less than one dollar nor more than five dollars for each offense.

SEC. 387. Any person who shall lead, ride or drive any horse or horses or other animal, over or upon any of the bridges in the City of Berlin at any other pace than a walk, shall pay a fine of five dollars for each offense.

SEC. 388. Any person who shall leave any horse, horses or other animal attached to any carriage, wagon, cart, sleigh or sled or other vehicle in any part of the streets, avenues, alleys or lanes of this city, without securely fastening such horse, horses, or other animals, shall pay a fine of not less than one dollar nor more than five dollars for each offense.

ARTICLE XXII.—DOGS.

SECTION. 389. It shall not be lawful hereafter to permit any dog to go abroad loose, or at large, in any of the public streets, avenues, alleys, parks or places, within the the City of Berlin, unless the keeping of such dog shall have been licensed and unless the said dog shall be muzzled as hereinafter provided.

SEC. 390. Every owner, possessor or person, who harbors or keeps any dog within the limits of the City of Berlin shall annually pay to the City Treasurer the sum of one dollar for every male dog and the sum of two dollars for every female dog and cause such dog to be registered in the office of the City Clerk in a book to be kept for that purpose, and also to obtain from said Clerk the metal tag hereinafter required to be furnished to said Clerk by the Mayor, and thereupon such owner, possessor or person shall be licensed to keep such dog as herein provided until the first day of May next following.

SEC. 391. The Mayor shall provide each and every year such number of metal tags as may be necessary of such size and shape as he may deem expedient (shape to be changed each year), having stamped thereon a number indicating the year for which the tax is paid, the number of each license and the words "City of Berlin dog tag," and deliver the same to the City Clerk, and it shall be the duty of the City Clerk to deliver one of such metalic plates to the person so paying the tax on any such dog.

SEC. 392. The owner possessor or keeper of any such dog, shall cause every dog so licensed to wear a collar around his neck with the metal tag aforesaid securely fastened to it. Every dog so licensed

when in the streets, alleys, parks and public places in this city, shall, during the months of June, July, August, and September in every year, wear a good and substantial wire or leathern muzzle securely put on and fastened so as to prevent him from biting, and every dog that is not so secured and muzzled, although he or she is licensed, shall during said months be seized and destroyed the same as if no license had been granted.

SEC. 393. The provisions of this article, except those relating to the muzzling of dogs, shall not apply to dogs owned by non-residents remaining temporarily or passing through this city.

SEC. 394. It is hereby made the duty of all police officers of said city to kill and destroy in a summary manner any dog found within said city which has not been licensed as herein provided or which having been license shall not have the collar and tag before mentioned attached to the same or which shall not be muzzled during the months of June, July, August and September as herein provided.

SEC. 395. No person shall hinder the killing or destruction of any dog which it is made the duty of the Police Officers to kill and destroy.

SEC. 396. Any dog at large in any of the streets, alleys or public grounds of this City, contrary to the provisions of this article is hereby declared to be a public nuisance. Any person who shall violate this article or any provision thereof shall pay a fine of not less than one dollar nor more than five dollars in the discretion of the court, besides the costs of prosecution, and in default of immediate payment thereof shall be committed to and confined in the watch house of said city until fine and costs are paid; such confinement however not to exceed thirty days.

ARTICLE XXIII.—CEMETERIES.

SECTION. 397. The improvement committee of the Common Council, in addition to the duties required of them by law, shall have the general care and oversight of Oakwood Cemetery in the City of Berlin including the additions made thereto made by C. A. Mather and Harrington, and it shall be the duty of said committee to cause the same to be properly and suitably fenced, and that such fences are maintained by the persons who by law are bound to fence the same, such fences, and gates constructed in the same, to be made of suitable material and of lawful height.

SEC. 398. It shall further be the duty of said committee to nominate and appoint by, and with the consent of the Common Council of the City of Berlin, an overseer whose duty it shall be to perform such labor in and about said cemetery in the cleaning up the same, and the walks and roads therein, and such other labor, as shall be required of him by said committee.

SEC. 399. Said overseer shall, under the direction of said committee, perform such labor in and about said cemetery as he may be required to do by the owners of lots or parcels of land therein, and he shall collect for such labor of such owner or owners such sum as shall be a just and fair compensation for such labor and which sum, when so collected, shall be paid by said overseer to the Treasurer of the City and said overseer shall make a written statement, under oath, to the Common Council, on the first day of May, in each year and quarter yearly thereafter, showing the persons from whom, and the labor for which, and the amount of money so collected for such labor.

SEC. 400. Said overseer shall prepare the graves and bury the dead that may be interred in said cemetery and may collect therefor, of the person by which he shall be employed to prepare such grave, not more than three dollars for an adult nor more than two dollars and fifty cents for a child. Said overseer shall also keep close watch of the gates and fences surrounding said cemetery, and shall at all times keep such gates closed, and immediately notify the chairman of said committee of any want or repair in any such gate, or fence, and said overseer shall keep all cattle, swine, or poultry out of said cemetery, and shall promptly impound any such found at large therein.

SEC. 401. No person or persons unless permitted so to do by the said committee shall prepare any grave in said cemetery for the burial of the dead therein.

SEC. 402. Any person who shall leave open any gate, or other entrance, in any fence enclosing said cemetery, or who shall lay down, or open, any such fence, except in the repair of the same, or who shall mark, deface, or injure, or destroy, any fence, monument, slab, grave, or inclosure, or who shall deface, mark, or injure any, grave stone or any other erection in said cemetery, or who shall pick up, remove, carry away, or purloin, from any grave or lot in said cemetery, except his own, any plant, flower, ornament, or any other thing, shall pay a fine of not less than one dollar, nor more than twenty-five dollars for each offense.

SEC. 403. Any person who shall refuse or neglect to build or repair any gate, or fence in said cemetery (which by law he is bound by law to repair) when required by said committee, shall be liable to the City of Berlin for the money expended in building such gate or fence, under the direction of said committee, it being made the duty of said committee in case of such refusal or neglect to build or repair the same in a suitable manner.

ARTICLE XXIV.—HEALTH.

SECTION. 404. No person shall hereafter erect, or cause to be erected, or converted to a new purpose by an alteration, any build-

ing or structure which, or any part of which, shall be inadequate or defective in respect to ventilation, light, sewerage or any of the usual proper or necessary provisions or precautions for the preservation of health, or shall be the builder, lessee, tenant or occupant of any such, or of any other building or structure having the right or ability to remedy or prevent the same, cause or allow any matter or thing to be, or to be done in or about any such building or structure dangerous or prejudicial to health.

SEC. 405. No owner agent or lessee of any building, or any part thereof, shall lease or let, or hire out the same or any portion thereof, to be occupied by any person or allow the same to be occupied by any person, or allow the same to be occupied as a place in which any one may dwell or lodge except when said buildings or such parts thereof are sufficiently lighted, ventilated, provided and accommodated, and in all respects in that condition of cleanliness and wholesomeness for which this article or any law of this state provides or in which they or either of them require any such premises to be kept.

SEC. 406. No person being the owner, proprietor, lessee, manager, or superintendent of any store, factory, workshop or other structure or place of employment where workmen and workwomen are employed for wages, shall cause, permit or allow the same or any portion or apartment of, or any room in said store, factory, workshop or other structure of place of employment to be overcrowded or inadequate, faulty or insufficient in respect of ventilation and cleanliness; and in every such building or apartment, or room of any such building, where one or more persons are employed as aforesaid, at least five hundred cubic feet of air space shall be allowed to each and every person employed therein and the air changed or renewed by ventilation at least once in every twenty minutes during the hours of employment.

SEC. 407. All such places of employment of service shall be kept in a cleanly condition, free from the effluvia of a sewer, drain, privy, stable or other nuisance; also as far as practical from all gases, vapours, dust or other inpurities generated by manufacturing purposes or otherwise and injurious to health. Sufficient and seperate privies and urinals shall be provided for male and female employees and such privies shall be ventilated.

SEC. 408. The Board of Health shall visit or cause to be visited by an officer, all such places of employment or service within the city, at least once a month, to see that the provisions of this article are complied with, and shall have such arrangements made as may be deemed necessary for the safety and health of the employees pursuant to the terms of this article, and such laws as may be in force concerning health and sanitary measures.

SEC. 409. That every person who shall be the owner, lessee or keeper, or manager of any tenement-house, boarding-house, lodging-house, or manufactory, shall provide or cause to be provided for the accommodation thereof and for the use of the tenants, lodgers, boarders and workers thereat, adequate privies or water-closets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome condition as not to be offensive, or be dangerous or detrimental to health. And no offensive smell or gases from or through any outlet or sewer, or through any such privy or water-closet, shall be allowed by any person aforesaid to pass into such house or any part thereof or into any other house or building.

SEC. 410. Every owner, lessee and tenant, and manager of any boarding-house or manufactory shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept in a clean and wholesome condition, and shall speedily cause every apartment thereof in which any person may sleep, dwell or work, to be adequately lighted and ventilated; and if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such temperature, and be provided with such accommodations and safeguards as not by reason of the want thereof, or of anything about the condition of any such manufactory or its appurtenances, to cause unnecessary danger or detriment to the health of any person being properly therein or thereat.

SEC. 411. That no person having the right and power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to health, by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious or offensive substance or otherwise.

SEC. 412. That no person having the right and power to prevent the same, shall knowingly cause or permit any child under fifteen years of age, to be employed at night in any place where machinery is used or more than eight hours in any day, at any trade or employment, and then only between the hours of seven o'clock A. M. and six o'clock P. M.

SEC. 413. The roof of every house shall be kept in good repair and so as not to leak, and rain water shall be so drained or conveyed therefrom as to prevent its dripping on the ground, or causing dampness in the walls, yard, or area.

SEC. 414 Every such building shall be provided with good and sufficient water-closets or privies, and shall have proper doors, traps, soil-pans and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof.

SEC. 415. Such water closets or privies shall not be less in number than one to every twenty occupants of said house; but water closets or privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every water closet or privy.

SEC. 416. That every agent, or other person having the charge, control or management, or who collects or receives the rents of any lands, premises or other property in the City, shall disclose the name or names of the owner or owners of such land, premises or property, or the name or names of the person or persons for whom such agent or other person is acting, upon application being made therefore by any member of the Board of Health of the City of Berlin.

SEC. 417. No keeper or other officer having control or authority in any city watch-house, lock-up, station, or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the health of any such person by reason of too little or too much heat, or of a want of food, drink or of ventilation, or from the want or neglect of any other reasonable care, protection or precaution.

SEC. 418. No person shall throw, place or deposit, or cause to be thrown, placed, or deposited, any dung, carrion, dead animal, offal, or putrid or unwholesome substance, or the contents of any privy upon the margin or banks of the Fox River within the limits of the City of Berlin, or upon any public grounds, or upon any lot within limits of said City.

SEC. 419. No person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice of life or health whether for use in any trade or otherwise, and no establishment of place of business for tanning, skinning or scouring, or for dressing hides or leather or for carrying on any offensive or noisome trade or business, shall hereafter be opened, started or established in the City of Berlin without a permit from the Common Council, and every such establishment now existing shall, be kept cleanly and wholesome, and be so conducted in every particular as not to be offensive or prejudicial to life or health.

SEC. 420. No swill, brine, urine of animals, or other offensive animal substance ,nor any stinking, noxious liquid, or other filthy matter of any kind, shall by any person be allowed to run or fall from out of any building, vehicle or erection into or upon any street or public place or to be taken and put therein except as hereinelsewhere provided.

SEC. 421. No butcher's offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter shall be thrown by any person, or allowed to go into any street, place, sewer or receiving basin, or into the Fox River, or into any standing or running water, or excavation, or upon any ground or premises in said City.

SEC. 422. No person shall draw off, or allow to run off into any ground, street, or place in said City, the contents (or any part thereof) of any vault, privy, cistern, cess-pool, or sink: nor shall any owner, enant or occupant of any building to which any vault, sink, privy or cess-pool shall appertain or be attached, permit the contents or any part thereof to flow therefrom, or to rise within one foot of any part of the top, or the said contents to become offensive; nor shall any privy or other erection in this section mentioned, be filled with or covered with dirt till its filthy contents shall be emptied.

SEC. 423. No person shall throw into or deposit in any vault, sink, privy, or cesspool any offal, ashes, meat, fish, garbage, or other substance except that of which any such place is the appropriate recepticle; nor shall any slops or kitchen waste be permitted to run into any privy or cesspool.

SEC. 424. That neither the contents of any such tub, or of any recepticle, cesspool, privy, vault, sink or water closet, cistern, or any thing in any room, excavation, vat building, premises or place, shall be allowed to become a nuisance or offensive so as to be dangerous or prejudicial to health.

SEC. 425. No lime, ashes, coal, dry sand, hair, feathers or other substance that is in a similar manner liable to be blow by the wind, shall be seived or aggitated or exposed; nor shall any mat, carpet or cloth be shaken or beaten, nor any cloth, yarn, garment or material or substance be scoured, cleaned or hung, nor any business be conducted over, or in any street or public place, or where it or particles therefrom, or set in motion thereby, will pass into any such street or public place or into any occupied premises; that neither any usual nor any reasonable precaution shall be omitted by any persons to prevent fragments or other substances from falling to the peril of life or dust and light material flying into any street, place or building, from any building or erection while the same is being altered, repaired or demolished or otherwise.

SEC. 426. No part of the contents of any privy, vault, sink, cesspool, except substances other than excrements insoluble in water, or any accumulation of any offensive fluid, liquid or semi-liquid substance or material being in any excavation, cellar or place within the limits of the City of Berlin, shall be remove therefrom, nor shall the same be transported through any of the streets or avenues of said City,

unless and except the same shall be removed and transported by means of an airtight apparatus, or in such a manner as shall prevent entirely the escape of any noxious or offensive odors therefrom and by a permit from the Board of Health.

SEC. 427. The proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drainage of said City to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and construction in every particular that life and health shall not be needlessly exposed or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewer or drainage or the want thereof.

SEC. 428. No water closet, sink, tub, vat, or other structure shall hereafter be constructed within the City of Berlin having connection with, or by any sewer or underground passage, unless the same is provided with adequate or the best generally approved constructions and precautions for preventing gasses and other offensive currents, substances and smells from passing up or out through such connection from such sewer or passage; nor shall any such water closet or privy be constructed without adequate provision for the effectual and proper ventilation and cleansing thereof.

SEC. 429. No part of the contents of or substances from any sink, privy or cess pool, nor any manure, ashes, garbage, offal, rubbish, dirt, nor any refuse waste or thing which by decomposition could or would become offensive to human beings or detrimental to health, or create or tend to create a nuisance, shall be by any person thrown, deposited, or placed upon any street or public place, nor upon any vacant lot of land or vacant place upon the surface of any lot of land within the City of Berlin, whether such lot being enclosed or otherwise, without the written permission of the Board of Health nor shall any of said substances be allowed by any person to run or drop from the premises occupied by such person, into or upon any street or public place, nor upon any vacant lot of land, or vacant place upon the surface of any lot of land in said City, nor shall the same be thrown, deposited or placed by any person nor allowed to fall or to run from the premises occupied by such person, into the river unless through the proper underground connection; and it shall be the duty of every person knowing of the violation of this article to report the same, and if known, the name of the person violating it, together with the residence of such person and the facts concerning such violation to the Board of Health within forty eight hours after such violation.

SEC. 430. That every tub or other recepticle in any necessary house sink or privy or place, or allowed to stand therein by any owner tenant or occupant of any building or premises, and used to contain any liquid or partially liquid substance, shall be sufficiently strong perfectly tight and adequately provided with a strong cover and with hoops and handles; shall not be allowed to be filled to within four inches of any part of the top, and shall not be allowed or its contents to be offensive and the provisionsof this article relative to emptying cesspools and to throwing any substances therein shall apply to said tubs and receptacles as if here repeated and applied thereto.

SEC 431. No person shall throw, drop or allow to fall into the river, or into any street or place, any substance being or having been part of the contents of any such vault, cesspool, privy, sink, tub or receptacle, or any offal.

SEC. 432. No meat, fish, birds, or fowls, or vegetables, nor any milk, not being then healthy, fresh, sound, wholesome, and safe for human food, nor any meat or fish that died by disease, or accident, shall be brought within said City, or offered, or held for sale, in any public or private market as such food anywhere in said City.

SEC. 433. No calf, pig, or lamb, or the meat thereof, shall be brought, held, or offered for sale as such food, within this City, which at the date of its death (being a calf) was less than four weeks old; or (being a pig) was, when killed, less than five weeks old; or (being a lamb) was, when killed, less than eight weeks old. Nor shall any meagre, sickly, or unwholesome fish, birds, or fowls be brought, held, sold, or offered for sale as such food, in said City.

SEC. 434. No cattle shall be killed for human food while in an overheated, feverish, or diseased condition.

SEC. 435. No meat or dead animal above the size of a rabbit shall be taken to any public or private market for food, until the same shall have been fully cooled after the killing, nor until the entrails, head (unless the same be skinned), hides, horns and feet shall have been removed; nor shall gut-fat, or any unwholesome or offensive matter or thing be brought to, or near any such market.

SEC. 436. No decayed or unwholesome vegetables shall be brought into said City, to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

SEC. 437. No person being the manager or keeper of any saloon, boarding-house, or lodging-house, or being employed as a clerk, servant, or agent thereat, shall therein or thereat offer or have for food or drink, or to be eaten or drank, any poisonous, deleterious or unwholesome substance, or allow anything therein to be done, or to occur prejudicial to health.

SEC. 438. No caised, blown, plaited, raised, stuffed, putrid, impure or unhealthy or unwholesome meat, fish, bird or fowl, shall be held, bought or sold, or offered for sale for human food, or held or kept, in any market, public or private, or any public place in said City.

SEC. 439. No meat, fish, vegetables or milk, or unwholesome liquid, shall knowingly be bought, sold, held, offered for sale, labelled or any representations made in respect thereof, under a false name or quality, or as being what the same is not as respects wholesomeness, soundness or safety for food or drink.

SEC. 440. Every person being the owner, lessee or occupant of any room, stall or place where any meat, fish or vegetables, designed or held for human food, shall be stored or kept or shall be held or offered for sale, shall put and keep such room, stall or place and its appurtenances in a clean and wholesome condition; and every person having charge, or being interested, or engaged, whether as principal or agent, in the case, or in respect to the custody or sale of any meat, fish, birds, fowl or vegetable designed for human food, shall put and preserve the same in a clean and wholesome condition, and shall not allow the same or any part thereof, to be poisoned, infected or rendered unsafe or unwholesome for human food.

SEC. 441. No butcher or dealer shall keep in any market, any refrigerator or ice box, unless the same shall be lined with lead or some proper substance so as to be water tight, nor unless the same be provided with a pipe of lead, zinc or copper leading therefrom to the proper waste pipe.

SEC. 442. It shall be the duty of every person knowing of any fish, meat, fowls, birds or vegetables being bought, sold, or offered, or held for sale as food for human beings, or being in any market, public or private in said City and not being sound, healthy or wholesome for such food, to forthwith report such facts and the particular relating thereto to the Board of Health, or to some member of such Board.

SEC. 443. If any person shall expose for sale in any market house or elsewhere in said city, any emaciated, tainted or putrid meat or provisions, which from these or other causes may be deemed unwholesome, such person shall upon conviction pay a fine of not less than one dollar nor more than one hundred dollars for each and every offense.

SEC. 444. No person shall have at any place where milk, butter or cheese is kept for sale, nor shall at any place, sell or deliver or offer or have for sale or keep for use, nor shall any person bring or send to said City any unwholesome, skimmed, watered or adulterated

milk, or milk known as "swill milk," or milk from cows or other animals that for the most part have been kept in stables or that have been fed on swill, or milk from sick or diseased cows or other animals, or any butter or cheese made from any such milk or any unwholesome butter or cheese.

SEC. 445. No person shall allow to run or pass into any water pipe, any animal, vegetable or mineral substance whatever; nor shall any person do or permit to be done, having right or power to prevent the same, any act or thing that will impair or imperil the purity or wholsomeness of any water or other fluid used or designed as a drink, in any part of said City.

SEC. 446. No cattle shall be kept in any place of which the water, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition, and wholesomeness of food.

SEC. 447. Every person shall cause every stable and place where any cows, horses, or other animals may be, to be kept at all times in clean and wholesome condition, and shall not allow any animals to be therein while infected with any disease, contagious or pestilential among such animals, without a permit from the Board of Health.

SEC. 448. No cattle, swine, pigs, or sheep, geese, goats, or horses, shall be yarded within the City of Berlin, without the permit of said Board of Health, or otherwise than according to the regulations of the Board of Health.

SEC. 449. No cattle shall be placed or carried while bound or tied by their legs, or bound down by the necks, in any vehicle in the City, but shall be allowed freely to stand in such vehicle when transported and while being therein.

SEC. 450. The keeping and slaughtering of all cattle, and the preparation of all meat and fish, birds, and fowls shall be in that manner, which is or is generally reputed or known to be the best adapted to secure and continue their safety and wholesomeness as food. The slaughtering of cattle shall not be permitted, nor conducted at any place in the City of Berlin without a special permit from the Common Council.

SEC. 451. Every butcher and every person owning, leasing or occupying any place, room or building where any cattle have been or are killed or dressed, and every person being the owner, lessee or occupant of any room or stable where any cattle may be kept, or market, public or private, and having power and authority so to do, shall cause such place, room, building, stall, and market (being private) and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome or

offensive matter to be therefrom removed at least once in every twenty four hours after the use thereof for any of the purposes herein referred to; and shall also at all times, unless some public authority prevents, keep all wood work, save floors and counters, in any building, place or premises aforesaid, thoroughly painted or whitewashed.

SEC. 452. No cattle shall be slaughtered, dressed or hung, or meat or any part thereof within said City, wholly or partly within any street, avenue, sidewalk, public alley or place; nor shall any blood or dirty water or other substance from such cattle, meat, or place of killing be allowed to run, fall or to be in any such street, sidewalk, alley, avenue or place.

SEC. 453. No building occupied wholly or partly as a slaughter house, or any part thereof, or any building on the same lot, shall, without a special permit from the Board of Health, be occupied, for a dwelling or lodging place; every such building shall at all times be kept adequately and thoroughly ventilated; and no blood shall be allowed to remain therein over night.

SEC. 454. That neither the business of slaugherting cattle nor the keeping of any slaughter house, nor the yarding of cattle, shall be begun or undertaken at any new or additional place in the City of Berlin, except pursuant to a permit from the Common Council; nor shall any person or corporation keep any slaughter house or yard, or any cattle therein hereafter without a permit from said Council.

SEC. 455. No person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious or offensive substance.

SEC. 456. Every butcher, grocer and milk dealer, and their agents, shall allow the Board of Health to freely and fully inspect their cattle and milk, meats, fish, and vegetables, held offered or intended for sale, and shall answer all reasonable and proper questions asked by any member of such Board of Health relative the condition thereof, and of the place where such articles are kept.

SEC. 457. No offal or butcher's refuse shall be conveyed through any street or avenue of the City of Berlin between the hours of ten o'clock A. M. and ten o'clock P. M. of any day, and no offal no refuge shall be conveyed at any time unless the same be in tight boxes, barrels or vessels, from which no odor shall escape.

SEC. 458. No keeper of any public pound in the City of Berlin shall allow the same, or any animal therein, by reason of any want of care, food, ventilation or cleanliness, or otherwise to be, or to become dangerous or detrimental to human health.

SEC. 459. No ground or material filled with offensive matter or substance, or that will emit or allow to arise through or from the same any offensive smell or deleterious exhalation, shall be opened

or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year, except according to a permit therefor, first obtained from the Common Council.

SEC. 460. No cart or other vehicle, swill, garbage or rubbish, or the contents of any privy, cess pool or sink, or having upon it or in it any other nauseous or offensive substance, without necessity therefor, stand or remain before or near any building, place of business or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading and unloading or in passing along any street or through any inhabited place or ground; nor shall any such cart, vehicle, or the driver thereof, or any thing thereto appertaining, be (or by any person having the right to control the same be allowed to be) in a condition needlessly filthy or offensive; and when not in use, all such carts, vehicles and all instruments used in connection therewith, shall be stored and kept in some place where no needless offense shall be to any of the people of said City.

SEC. 461. All carts, vehicles in the last section mentioned, and boxes, tubs and receptacles thereon, in which any substance in said section referred to, may be or is carried, shall be strong and tight, so that no part of such contents or load shall fall, leak or spill therefrom; and shall be adequately and tightly covered, so as to prevent the same from being offensive.

SEC. 462. All putrid or offensive matter and all night soil, and the contents of sinks, and privys, vaults and cess pools and all noxious substances in said City shall, before their removal or exposure be disinfected and rendered inoffensive by the person who removes or is about to remove the same.

SEC. 463. That neither the owner, nor the occupant, nor the tenant of any building or premises in the City of Berlin, shall employ, cause or permit any part of the contents of any vault, privy, sink or cess pool (being thereon, and of which he has control), to be removed, unless according to the provisions of this ordinance.

SEC. 464. No person shall place or dry upon any street or sidewalk or roof of any building, any straw, hay, or other substance which as been used as bedding for animals; nor shall any such straw, hay or other substances be deposited, nor shall accumulations thereof be made, within fifty feet of any street without a permit from the Board of Health of this City.

SEC. 465. No manure, garbage or other material that is liable to emit an offensive exhalation shall, in or adjacent to the City, be turned or stirred (except about its removal) in such a way as to be liable, by reason thereof, to increase such exhalation.

SEC. 466. No vault, privy, sink, or cess pool shall hereafter be made or rebuilt in the City, except in accordance with the regulations of, and by permit of, the Board of Health of this City.

SEC. 467. That no diseased or sickly horse, cattle, swine, sheep, dog, or cat or other animal, nor any that have been exposed to any disease that is contageous among such animals shall be brought into the City of Berlin.

SEC. 468. No person shall keep, retain or allow, or employ to be kept or retained at any place within the City, any horse, ass, or colt, having the disease knows as glanders or farcy.

SEC. 469. No person shall leave in, or throw into, any place or street or public water, or offensively expose or bury the body (or any part thereof) of any dead or fatally sick or injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl, or fish in a place where the same may be dangerous to the life or detrimental to the health of any person.

SEC. 470. No person shall retain, expose, or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

SEC. 471. That it shall be the duty of every person who has discovered or seen the body of a dead human being, or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body or part thereof is not publicly known) to immediately cummunicate to the Board of Health, the fact of the discovery of such body, the place where and the time when the same was discovered or seen, and where the same is or may be found, and any facts known by which said body may be identified or the cause of death ascertained.

SEC. 472. No person shall bring into the City or keep therein for sale or otherwise, either for food or for any other purpose or purposes whatever, any animal, dead or alive, matter substance or thing, which shall be or which shall occasion a nuisance in said City of Berlin, or which may or shall be dangerous to health.

SEC. 473. No building, vehicle, structure, receptacle or thing used or to be used for any purpose whatever, shall be made, used, kept, maintained or operated in the City of Berlin, if the use, keeping, maintaining or operating of such building, vehicle, structure, recepticle or thing, shall be the occasion of any nuisance or dangerous or detrimental to health.

SEC. 474. That no substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to the health, shall be permitted to exist in connection with any permitted business, or be used therein or to exist in connection therewith, or to be used in any work or labor carried on or to be carried or prosecuted in the

City of Berlin, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor.

SEC. 475. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists any of the provisions of this article, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the Board of Health of this City, or who omits, neglects or refuses to comply with, or who resists any officer or order or special regulation of said Board of Health, shall upon conviction be subject to a fine of not less than one dollar nor more than one hundred dollars for each offense besides the costs of prosecution.

ARTICLE XXV.—GAMING.

SEC. 476. No person or person shall set up, keep or maintain, permit to be set up, kept or maintained in any house or place within the corporate limits occupied, or controlled, by him, or them, any E. O., A. B. C. rooley pooley, keno or faro table, faro bank, roulette or other instrument, device or thing for the purpose of gaming, or with which money, liquor or anything of value shall in any manner be played for, under a penalty of not less than ten dollars nor more than fifty dollars for each offense.

SEC. 477. Any person who shall deal, play or engage in faro, roulette or any other device or game of chance, hazard or address, either as banker, dealer, player or otherwise, for the purpose of gaming, shall pay a fine of not less than ten dollars nor more than fifty dollars for each offense.

SEC. 478. It shall be the duty of all members of the police force to give information to the Mayor, of each house or other place within the City wherein such games or devices, or tables or other instruments or things for the purpose of gaming are or may be set up, kept or maintained; and said police officers shall take all lawful means to suppress and prevent the playing at the tables, games, or devices aforesaid, and for this purpose, when and as often as any one of them shall have reasonable cause to suspect that any such table, game or device is set up, kept or maintained as aforesaid, he shall forthwith make complaint thereof before some Justice of the Peace, and obtain a warrant authorizing him to enter such house, houses or place or any room within the same, and said police officer shall thereupon have authority to demand entry therein, and any person or persons who shall refuse or neglect to open the door or entrance to such house, houses or place or any room within the same, upon application of any police officer having such warrant, shall forfeit and pay a fine of not less than ten dollars for each offense.

SEC. 479. No person shall bring into the City of Berlin, or have in his, her or their possession in said City, for the purpose of gaming,

any table, thing or device of any kind or nature whereon or with which money or any other thing of value, may in any manner be played for, under penalty of a fine of not less than one dollar nor more than twenty-five dollars for each.

Sec. 480. Any person who shall expose in any of the streets, avenues or other public places within the limits of the City, any table or device of any kind whatever, upon or by which any game of chance or hazard can be played, or shall play at or upon any such table or device, shall pay a fine of not less than five dollars nor more than twenty five dollars for each offense.

Sec. 481. Any person who is a frequenter, visitor, inmate, doorkeeper, solicitor, runner, agent, abettor, or pimp of or for any house, store, grocery, hall, room or any other place where are kept any E. O., tables, keno tables, faro bank, shuffle board, bagatelle, playing cards, pigeon holes or any other instrument, device or thing used for gambling, whereon or with which money, liquor or other articles are played for, shall, upon conviction, pay a fine of not less than five dollars nor more than fifty dollars, in the discretion of the court, for each offense.

Sec. 482. It is hereby made the duty of every member of the police force to seize any table, instrument, device or thing used for purpose of gaming; and all such tables, instruments or devices, shall be destroyed. Any person or persons obstructing or resisting any member of the police force in the performance of any act authorized by this section, shall pay a fine of not less than ten dollars nor more than fifty dollars for each offense.

ARTICLE XXVI.—CONCEALED WEAPONS.

Section. 483. It shall be unlawful for any person, within the limits of the City of Berlin, to carry or wear under his clothes, or concealed about his person, any pistol, colt or slung shot, cross knuckles, or knuckles of lead, brass or other metal or bowie knife, dirk knife or dirk, razor or dagger, or any other dangerous or deadly weapon. And any person who shall violate any provision of this section, shall pay a fine of not less than one dollar nor more than fifty dollars for each offense.

Sec. 484. The provisions of this article shall not apply to the officers or members of the police force of said City when on duty, nor to any officer whose duty it may be to serve warrants or make arrests; nor to persons who shall have obtained from the Mayor a license to carry such weapons for their protection as hereinafter provided.

Sec. 485. The Mayor may grant, to such persons as he may deem proper, license to carry concealed weapons and may revoke such license at his pleasure.

SEC. 486. Application for such license shall be made to the Mayor, and, when granted, the person so licensed shall pay to the City Treasurer the sum of one dollar, and thereupon a license shall be issued by the City Clerk and signed by the Mayor. Every such license shall state the name, age, occupation, and residence of the person to whom it is granted and shall expire on the thirtieth day of April next following.

ARTICLE XXVII.—NUISANCES.

SECTION 487. Any factory, building or structure, of any kind, or any tallow, chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, pig-sty, or hog yard, packing house slaughter house, or rendering establishment which shall become nauseous, fowl or offensive, is hereby declared a nuisance, and the person or persons owning, keeping or maintaining any such factory, shop, yard, house, building or structure aforesaid, shall pay a fine of not less than five dollars nor more than fifty dollars.

SEC. 488. Any store, house, factory, building or structure of any kind or any grounds or premises kept, permitted or suffered to remain for twenty four hours in such condition as to be offensive the neighborhood, dangerous or prejudicial to the health or safety of the occupants or other persons, is hereby declared a nuisance, and the owner, proprietor, lessee or agent of such store, house, factory, building or structure of any kind, or ground or premises, shall pay a fine of not less than five dollars and not more than fifty dollars and a like fine for every day such nuisances shall continue after the first conviction.

SEC. 489. It shall constitute, and is hereby declared a nuisance for any person to erect and maintain any privy as near as forty feet to any street, dwelling, shop or well, unless the same be furnished with a substantial vault six feet deep and made tight so that the contents can not escape therefrom and sufficiently secured and inclosed; or unless the same shall be constructed with water tight drawers or receptacles to contain the contents of such privy so that the same cannot escape therefrom. Any person owning, erecting or maintaining such privy shall pay a fine of not less than one dollar and not more than ten dollars and a like fine for every week he shall continue the same after the first conviction.

SEC. 490. It shall constitute, aud is hereby declared a nuisance for any person to suffer or permit any cellar, vault, private drain, pool, sewer or sink upon any premises belonging to or occupied by him to become nauseous, foul, offensive to the public health. Any person who shall create, suffer or permit such nuisance to exist shall be subject to a fine of not less than five dollars and not more than fifty dollars for every offense and to a like fine for every day

the same shall continue after notice to remove and abate such nuisance.

SEC. 491. It shall constitute, and is hereby declared a nuisance for any person to set or place, or cause to be set or placed, or permit to remain, any goods, wares, merchandise or other property of any kind on any street, sidewalk, alley, or way, for a longer time than six hour, unless the same shall be within three feet of the building or boundary line in front of which the same is so placed. And any person who shall so obstruct the street or sidewalk in front of any store or dwelling shall pay a fine of not less than one dollar nor more than five dollars.

SEC. 492. Whenever any nuisance shall be found on any premises within this City contrary to this article or any provision of this ordinance, the Board of Health is hereby authorized in their discretion to cause the same to be summarily abated in such a manner as they may direct.

SEC. 493. In all cases where nusiance shall be found in any building or upon any ground or other premises within this City, twenty four hours notice may be given in writing by the Board of Health to the owner or occupant of such building or other premises, where he is known, and can be found, to remove such nuisance, and in case of his neglect or refusal to abate the same in accordance with such notice, he shall be chargeable with the expenses which may be incurred in the removal thereof, to be collected by a suit or otherwise in addition to the fine or penalty.

SEC. 494. In all cases where no provision is made in this ordinance defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared as such in this ordinance, those offenses which are known to the common law of the land and the statutes of the State of Wisconsin as nuisance may, in case the same exist within this city, betreated as such and proceeded against as in this article provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

ARTICLE XXVIII.—MISCELLANEOUS PRACTICES.

SECTION, 495. It shall be unlawful for any person to have in his possession any nippers known as burglar's nippers, pick, lock, skeleton key, key to be used with bit or bits, jimmey, or other burgler's instrument or tool of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, under a penalty of not less than one dollar and not more than one hundred dollars.

SEC. 496. No person shall engage in any game, sport, amusement, or exhibit any machine, or show, or any animal, or engage in any acrobatic feats, or do anything else in the streets or alleys or

upon the sidewalks which shall have a tendency to frighten horses, or which shall collect any crowd of persons so as to interfere with the passage of teams or vehicles, or persons passing along the streets, alleys and sidewalk. And any person who shall do any of these things shall be fined not less than one nor more than ten dollars for each and every offense.

SEC. 497. No person shall wantonly mar, injure, deface or destroy any fence, guide post, sign board, or awning in any street or public place in the City under a penalty of not less than one dollar for each offense.

SEC. 498. No person shall throw, cast or put into, drop, or leave in any street, alley, lane, public place or any uninclosed public grounds in the City of Berlin, any stone, missels, nails, ice, glass, ashes, iron or any other metal, or any straw, paper, parings of fruit or vegetables, or any other article or thing, by which horses, mules or other quadrupeds shall or may be injured or endangered, under the penalty of not less than one dollar nor more than ten dollars.

SEC. 499. No person shall stop or obstruct the passage of the water in any street, gutter, public sewer, culvert, water pipe, or hydrant laid or placed by the City, under the penalty of not less than one dollar nor more than five dollars for each offense.

SEC. 500. No person shall cut, injure, mark or deface any building belonging to the City, or any station house or engine house, or any tree, grass or shrub or walk, in any square or public park, or any sewer, water pipe or hydrant, laid or placed by the City, under the penalty of not less than one dollar nor more than ten dollars for each offense.

SEC. 501. No person shall rise or fly or attempt to rise or fly any kite in any street or other public place in the City, under the penalty of not less than one dollar nor more than five dollars for each offense.

SEC. 502. No person shall throw or cast any stone or other missile in, from or to any street, alley, public place or inclosed ground, under a penalty of not less than one dollar nor more than twenty dollars for each offense.

SEC. 503. No person being the owner, lessee or agent of any building in this City, shall erect or maintain or permit to be erected or maintained on or about the stairway in, or the entrance to such building or on or about its exterior building line, or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or protection of any kind, upon which said railing, fence, guard, or other protection there shall be affixed or placed or in any manner attached any spike, nail or other pointed instrument of any kind or

description, under the penalty of not less than five dollars nor more than twenty five dollars for each offense, and each and every day any such person shall fail or neglect to remove from such railing, fence or other protection, any such spike, nail or other pointed instrument, after notice in writing, from the Mayor or Common Council of the City, so to do, shall constitute a new, separate and distinct offence.

SEC. 504. No person shall throw, cast, lay or place on any sidewalk in the City of Berlin, the rind or peel of an orange, banana, apple or other fruit, under a penalty of not less than one dollar nor more than five dollars for each offense

SEC. 505. No person shall obstruct or incumber any street corner, or other public place in the City, by lounging in or about the same; and after being requested to move on by the Mayor, Chief of Police, or any Policeman, the person so offending shall be subject to a penalty of not less than one dollar nor more than twenty dollars for each offense.

SEC. 506. No person shall swim or bathe in the waters of Fox River, in or adjacent to the City, unless such person be clothed in a suitable bathing dress, under a penalty of not less than one dollar nor more than ten dollars for each offense.

SEC. 507. No person shall dig, cut or remove any sod or earth from any street or other place within the City, without a permit from the Common Council, or from the committee on streets and alleys of the Common Council, or from any premises not his own, without the consent of the owner, under a penalty of not less than one dollar nor more than twenty dollars for each offense.

SEC. 508. All idle persons, who, not having visible means of support, live without lawful employment; all persons habitually loitering about or wandering abroad and visiting or staying about groceries, drinking saloons, houses of bad repute, gambling houses or railroad depots, or lodging in outhouses, market places, sheds, barns or in the open air and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets or other public places to beg or receive alms, shall be deemed vagrants, and upon conviction shall be fined in a sum not less than one dollar nor more than fifty dollars.

SEC. 509. No person shall indecently exhibit any stud horse or bull or let any such horse to any mare or mares, or any bull to any cow or cows, within the limits of this City, unless in some inclosed place out of public view, under a penalty of not less than one dollar nor more than fifty dollars for each offense.

SEC. 510. No person or persons shall sell or offer to sell, give away or offer to give away, distribute or have in his or her possess-

ion with intent to give away, sell or distribute in or upon any street or sidewalk or park or public property of the City of Berlin, any book, pamphlet, circular, handbill, advertisement or notice of any kind purporting to treat of or treating of diseases known as venereal diseases describing or explaining, or purporting to describe or explain the genital organs, giving or purporting to give the nature and remedies of disease to female and uterine diseases, or the nature or causes of nervous debility, impotency, sterility or barrenness, gonorrhoea, gleet, stricture, syphilis, affection of the prostate gland or the remedies therefor, or the cause or remedies for abortion or miscarriage, or articles or means of preventing conception, under a penalty of not ess than ten dollars nor more than twenty.

SEC. 511. Any person who, in the City of Berlin, shall keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, or shall keep a disorderly house, or who shall set up or keep a common bawdy house or brothel, or who shall knowingly let to another any house or other building, or any room in any house or building, for the purpose of being used as a house of ill fame, bawdy house or brothel, or knowing that it will be so used, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars in the discretion of the court, besides the cost of prosecution, and in default of payment of such fine and costs, shall be imprisoned in the watch house or lockup of the City of Berlin for the period of ninety days, unless such fine and costs are sooner paid.

SEC. 512. Any person who shall resort to, frequent, or become an inmate of any house of ill fame, or disorderly house of any description in the City of Berlin, shall be punished by a fine not less than five dollars nor more than twenty-five dollars in the discretion of the court, besides the costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned in the watch house or lockup of the City of Berlin, for the period of ninety days, unless such fine and costs are sooner paid.

SEC. 513. Any person who shall appear in a public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or who shall make any indecent exposure of his or her person, or be guilty of any indecent act or behavior, shall pay a fine of not less than one dollar nor more than one hundred dollars.

SEC. 514 Every house of ill-fame or house of assignation within this City, where men and women resort for the purpose of prostitution is hereby declared to be a nuisance.

SEC. 515. Every person found in any house of ill-fame or assignation shall be deemed to be an inmate thereof within the meaning of Section 512 of this article.

SEC. 516. Any person who shall exhibit, sell, or offer to sell or circulate or distribute any indecent or lewd book, picture or other thing whatever of an immoral or scandalous nature, or shall exhibit or perform any indecent, immoral or lewd play or representation in the City of Berlin, shall pay a fine of not less than five nor more than twenty-five dollars for each offense.

SEC. 517. Any person who shall inhumanly, unnecessarily or cruelly beat, injure or otherwise abuse any dumb animal, or overload any team, or expose any calves or sheep upon the streets or sidewalk with their legs tied, shall pay a fine of not less than five dollars, nor more than twenty dollars.

SEC. 518. Any doctor, druggist, or other person who shall make, sell, put up, prepare or administer any prescription, decoction or medicine under any deceptive or fraudulent name, direction, or pretense, shall pay a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 519. All scaffolds or derricks erected in this City for use in the erection of stone, brick, or other buildings, shall be well and safely supported, and of sufficient width and properly secured so as to insure the safety of persons working thereon, or passing under or by the same, to prevent the falling thereof, or of any materials that may be used, placed or deposited thereon; any scaffold or derricks which may be otherwise erected shall be deemed a nuisance; and any person who shall erect or use or cause to be erected or used any scaffold or derrick contrary to the provisions hereof, shall pay a fine of not less than five dollars nor more than one hundred dollars for each offense.

SEC. 520. Any person who shall commit any indecent, lewd or filthy act in any place in this City, or shall utter any lewd or filthy words, or shall make any obscene gesture to or about any other person publicly shall be deemed a disorderly person and upon conviction, shall pay a fine of not less than one dollar nor more than twenty-five dollars.

SEC. 521. Any person who shall, at any time, wilfully interfere or molest any assembly or meeting of people, for religious worship or for other purposes, lawfully and peaceably assembled, in this City, shall be punished by a fine of not less than one dollar nor more than twenty-five dollars.

SEC. 522. Any person found in any public place within this City in such a state of intoxication as to disturb others, or unable by reason of his condition, to care for his own safety or for the safety of others, shall upon conviction thereof be punished by a fine not less than one dollar nor more than ten dollars.

SEC. 523. Any person who shall assault another, within this City, when not excusable or justifiable, or who shall use in reference to and in the presence of another, or in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace, shall, upon conviction, pay a fine of not less than one dollar nor more than fifty dollars.

SEC. 524. Any person who shall permit any bear or other noxious or dangerous animal to run at large, or shall lead any such animal with a chain or rope or other appliance, whether such animal be muzzled or unmuzzled, in any street, lane, avenue, highway, or public place within the corporate limits of this City, shall pay a fine of five dollars for each offense.

SEC. 525. Any person who shall throw or deposite any water or other liquid in any part of any street, alley, lane, or public place except in the side gutter thereof, in this City, shall pay a fine of one dollar for each such offense.

SEC. 526. Any person who shall within the limits of the City of Berlin, keep or maintain, or become an inmate of, or in any way contribute to the support of any place, house or room where opium is smoked, or where persons assemble for the purpose of smoking opium or inhaling the fumes thereof, shall pay a fine of not less than five dollars nor more than ten dollars for each offense.

SEC. 527. Any dyer or scourer; or any other person who shall in this City wash, rinse or cleanse or cause or procure to be washed, rinsed or cleansed any cloth, yarn, or garment in any street, shall pay a fine of not less than one dollar and not more than five dollars for each offense.

SEC. 528. Any person who shall without a permit in writing from the Mayor, beat any drum or other instrument or blow any horn or other instrument, for the purpose of attracting the attention of passengers in any street in the City of Berlin, to any circus, menagerie, or show, or auction, or sale of goods, or for any other purpose or thing whatever tending to the collection of persons on the streets and sidewalks, to the obstruction of the same, shall pay a fine of not less than one dollar and not more than fifty dollars for each offense; the provisions of this section shall not apply to any band of music or organized musical society engaged in serenading, or any civic or military parade.

SEC. 529. Any person who shall erect a booth, or establish or fix any stand, or place for the sale of or to give away any fruit, books or other merchandise, or any article or thing of value whatever, incumbering any part or portion of any street, alley or sidewalk, shall

pay a fine of not less than five dollars and not more than thirty dollars for each offense; provided that the Mayor may, in his discretion, grant permits for such purpose, whenever the application for such permits shall be accompanied by the consent, in writing, of each and every person occupying the premises, in front of which it is proposed to locate under such permission, and provided further that any permit so granted may be revoked and annulled at any time by the Mayor, by notice thereof in writing given to the person to whom such permit is granted or any agent of such person who may at the time be acting under such permit

SEC. 530. Any person who shall make, aid, countenace or assis- in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace, in the streets or elsewhere in the City, and all persons who shall collect in bodies or crowd for unlawful purposes and for any purpose to the annoyance or disturbance of citizens or travelers, shall severally pay a fine of not less than one dollar nor more than one hundred dollars.

ARTICLE XXIX.

SEC. 531. All public or general ordinances, or parts thereof, not included in this ordinance, are hereby repealed, so far as they conflict, or are inconsistent with the provisions of this ordinance. Private or special ordinances, orders, and resolutions passed by the Common Council, are not repealed, unless repugnant to the provisions of this ordinance.

SEC. 532. This ordinance shall take effect and be in force from and after its passage, and publication.

Passed, adopted and approved this 4th day of June, A. D. 1890.

H. S. SACKET,

A. L. TUCKER, Mayor of the City of Berlin.

City Clerk of the City of Berlin.

STATE OF WISCONSIN)
} ss
CITY OF BERLIN,)

I, Henry Morman, City Clerk of the City of Berlin in the State of Wisconsin, do hereby certify that I have compared the foregoing copy of an ordinance of the said City of Berlin entitled "An Ordinance for Revising and Consolidating the General Ordinances of the City of Berlin" with the Original thereof, now remaining in my office and in my legal custody and I find the same to be a correct transcript therefrom and of the whole of such Original Ordinance.

And I do further certify that said Original Ordinance was passed and adopted by the Common Council of said City of Berlin on the 4th day of June A. D. 1890 and was on the same day approved by the Mayor of said City; that said Ordinance was published in the official paper of said City on the 17th and 18th days of June A. D. 1890 and on the 9th, 17th and 31st days of July A. D. 1890 and on the 21st day of August A. D. 1890 the same together with the affidavit of the City printer was duly recorded in the book of Ordinances of said City on pages from 121 to 150 inclusive.

In witness whereof I have hereunto set my hand affixed the seal of said City this 14 day of November A. D. 1890.

Henry Morman

CITY CLERK OF SAID CITY.

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